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PART I

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HIGHLIGHTS OF THIS ISSUE

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 796—HARVESTING OF MARIHUANA OR OTHER SUCH DRUG-PRODUCING PLANTS FOR ILLEGAL USE

Sec.
796.1 Applicability.
796.2 Prohibition against payments to producers or participants.

AUTHORITY: The provisions of this Part 796 issued under section 508, Public Law 92-73, 85 Stat. 201 (1971).

§ 796.1 Applicability.

This part is applicable to all programs set forth in this Title 7, administered by the Agricultural Stabilization and Conservation Service, and the Naval Stores Conservation Program (Part 706 of this chapter, as amended), under which production or other payments, including wheat marketing certificates, are made to producers or program participants.

§ 796.2 Prohibition against payments to producers or participants.

Notwithstanding any other provision of the programs to which this part is applicable, no payment or wheat marketing certificate shall be made after August 10, 1971, to any producer or program participant who, after August 10, 1971, harvests or knowingly permits to be harvested for illegal use, marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by such producer or participant. Prohibited plants include marihuana (*cannabis sativa*), opium poppies (*papaver somniferum*), coca bushes (*erythroxylum coca*), cactii of the genus *lophophora*, and other drug-producing plants, the planting, growing, or harvesting of which is prohibited by Federal or State law.

Effective date. Since the legislation necessitating the issuance of these regulations was approved by the President on August 10, 1971, it is impracticable and unnecessary to comply with the notice and public procedure provisions of 5 U.S.C. 553. Accordingly, this part is effective as of August 11, 1971.

Proposals for amendment or modification of the regulations insofar as they relate to 1972 are invited. The proposals should be accompanied by a written statement in explanation and support of the proposals and addressed to the Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions must, in order to be sure of consideration, be received not later than 30 days from the date of publication of this part in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Deputy Administrator during regular business hours (8:15 a.m. to 4:45 p.m.)

Signed at Washington, D.C., on October 20, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-16195 Filed 11-4-71;8:48 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.12 (Rescission)]

PART 815—ALLOTMENT OF DIRECT CONSUMPTION PORTION OF THE MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1971

This rescission of a regulation is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the Act), for the purpose of rescinding sugar regulation 815.12 (36 F.R. 11), which established allotments of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1971. It is hereby found and determined to be unnecessary to continue in effect the allotments of the direct consumption portion of the mainland sugar quota for Puerto Rico for 1971 and § 815.12 of this chapter is hereby rescinded.

Bases and considerations. The production of sugar in Puerto Rico for marketing during 1971 was substantially less than that estimated when a finding was made that the allotment of the direct-consumption portion of the mainland quota for Puerto Rico was necessary. In addition the quantity of raw sugar received for refining by Puerto Rican refiners in 1971 was much less than the quantity needed to supply local consumption needs and fill the mainland direct-consumption quota for the area. On the basis of letters recently received from individual allottees less than 91,000 short tons, raw value, will be marketed in 1971 within the 168,000 short tons, raw value, direct-consumption quota established for the area. It is herein found that the rescission of the allotment of the direct-consumption portion of the mainland quota for Puerto Rico will not lead to disorderly marketing and will not prevent all interested persons from having an equitable opportunity to market sugar within the quota.

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. The allotment of the direct-consumption portion of the mainland quota for Puerto Rico currently in effect restricts unnecessarily the marketing of one individual allottee at this time. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and, this rescission of § 815.12 of this chapter (Sugar regulation 815.12) shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., November 1, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-16196 Filed 11-4-71;8:48 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Entertainers

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on September 23, 1971 (36 F.R. 18870) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set out the proposed amendment to § 214.2(h)(8) pertaining to certain nonimmigrant entertainers and their appearance on a bona fide charity show. The representation which was received concerning the proposed rule of September 23, 1971, has been considered. For the purpose of clarification, the proposed rule has been amended by adding immediately after the word "compensation" a comma followed by the words "including reimbursement for expenses,". The proposed rule, as modified, is hereby adopted:

Subparagraph (8) *Special classes* of paragraph (h) *Temporary employees* of

§ 214.2 *Special requirements for admission, extension, and maintenance of staus* is amended by inserting the following sentence between the existing third and fourth sentences thereof: "A show shall not be considered as 'a bona fide charity show' within the meaning of this subparagraph if any of the musicians, entertainers, or other performers receive compensation, including reimbursement for expenses, for their performance therein."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulation is to clarify the meaning of "a bona fide charity show" for the purpose of appearance therein of certain nonimmigrant entertainers.

Effective date. This order shall become effective on January 1, 1972.

Dated: November 1, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-16197 Filed 11-4-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11479; Amdt. Nos. 23-12, 25-30, 27-7, and 29-9]

AIRWORTHINESS STANDARDS

Position Light System Dihedral Angles

The purpose of these amendments to §§ 23.1387, 25.1387, 27.1387, and 29.1387 of the Federal Aviation Regulations is to permit the installation of rear position lights with minor obstructions in the field of coverage.

Sections 23.1387, 25.1387, 27.1387, and 29.1387 presently require, in part, that the rear position light show unbroken light within a dihedral angle formed by two intersecting vertical planes making angles of 70° to the right and left, respectively, of a vertical plane passing through the longitudinal axis. Other related provisions of the regulations require that the rear position light be mounted as far aft as practicable.

In certain aircraft designs incorporating swept vertical tail surfaces, the obstructed visibility requirements may be met only by locating the rear position light on the trailing edge of the rudder. Because this location may cause a number of problems, including complex electrical installation and adverse rudder flutter characteristics, some manufacturers consider the aftmost tip of the fuselage to be a more suitable location. Thus, while the rudder position may be farther aft, the fuselage location is as far aft as is practicable. At the same time, however, the fuselage location does not comply with the obstructed visibility requirements where parts of the rudder and vertical stabilizer of a swept tail project into space required to be unobstructed.

For aircraft having this problem, the obstruction resulting from use of the aft fuselage location would, nevertheless, be relatively small because of the thinness of the vertical stabilizer and rudder. Moreover, the obstruction occurs at a high angle above the longitudinal axis of the aircraft so that except for the near-zenith position, the rear position light shows unbroken light.

Related requirements for position lights allow diminishing light intensity with increasing angle above or below the horizontal. Thus, for angles 40° and more above and below the horizontal plane, the position light intensity need be only 5 percent of the light intensity in the horizontal plane. This provision thus recognizes that the significance of a position light decreases as zenith is approached.

A provision similar to that being here established for the rear position light already exists with respect to the anti-collision light. In this connection, minor visibility obstructions permitted in the rearward direction in the field of coverage of the anticollision light have been determined not to be detrimental to safety.

In light of the foregoing, obstructions within the dihedral angle in which the rear position light must show, which do not exceed 0.04 steradians in coverage and which occur within 30° of a vertical line through the rear position light, would not adversely affect safety. In addition, these amendments permitting minor obstructions in the field of coverage of rear position lights are consistent with the provisions of §§ 23.1385(c), 25.1385(c), 27.1385(c), and 29.1385(c) which recognize practicable considerations in the location of rear position lights.

For the foregoing reasons and since these amendments relieve a restriction and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective on less than 30 days notice.

In consideration of the foregoing, Parts 23, 25, 27, and 29 of the Federal Aviation Regulations are amended as follows, effective November 5, 1971:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

1. Section 23.1387 is amended by amending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 23.1387 Position light system dihedral angles.

(a) Except as provided in paragraph (e) of this section, each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

* * * * *

(e) If the rear position light, when mounted as far aft as practicable in accordance with § 23.1385(c), cannot show unbroken light within dihedral angle A (as defined in paragraph (d) of this section), a solid angle or angles of obstructed visibility totaling not more than 0.04 steradians is allowable within that dihedral angle, if such solid angle is within a cone whose apex is at the rear position light and whose elements make an angle of 30° with a vertical line passing through the rear position light.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

2. Section 25.1387 is amended by amending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 25.1387 Position light system dihedral angles.

(a) Except as provided in paragraph (e) of this section, each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

* * * * *

(e) If the rear position light, when mounted as far aft as practicable in accordance with § 25.1385(c), cannot show unbroken light within dihedral angle A (as defined in paragraph (d) of this section), a solid angle or angles of obstructed visibility totaling not more than 0.04 steradians is allowable within that dihedral angle, if such solid angle is within a cone whose apex is at the rear position light and whose elements make an angle of 30° with a vertical line passing through the rear position light.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

3. Section 27.1387 is amended by amending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 27.1387 Position light system dihedral angles.

(a) Except as provided in paragraph (e) of this section, each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

* * * * *

(e) If the rear position light, when mounted as far aft as practicable in accordance with § 27.1385(c), cannot show unbroken light within dihedral angle A (as defined in paragraph (d) of this section), a solid angle or angles of obstructed visibility totaling not more than 0.04 steradians is allowable within that dihedral angle, if such solid angle is within a cone whose apex is at the rear position light and whose elements make an angle of 30° with a vertical line passing through the rear position light.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

4. Section 29.1387 is amended by amending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 29.1387 Position light system dihedral angles.

(a) Except as provided in paragraph (e) of this section, each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

* * * * *

(e) If the rear position light, when mounted as far aft as practicable in accordance with § 29.1385(c), cannot show unbroken light within dihedral angle A (as defined in paragraph (d) of this section), a solid angle or angles of obstructed visibility totaling not more than 0.04 steradians is allowable within that dihedral angle, if such solid angle is within a cone whose apex is at the rear position light and whose elements make an angle of 30° with a vertical line passing through the rear position light.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 28, 1971.

K. M. SMITH,
Acting Administrator.

[FR Doc.71-16166 Filed 11-4-71;8:45 am]

[Docket No. 71-CE-13-AD; Amdt. 39-1327]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Series Airplanes

Amendment 39-1323 (36 F.R. 20417) effective October 23, 1971, applicable to Cessna 150, 172, 175, and 182 series airplanes is an airworthiness directive which requires, in part, immediate replacement of early type nose gear forks on aircraft which have accumulated 1,500 hours time in service. The Agency did not intend to require such replacement prior to January 1, 1972. In addition, after further evaluation it appears that a parts availability problem could develop. Accordingly, Paragraph C is being revised to allow a 300 hour grace period after January 1, 1972, to effect replacement of the discrepant nose gear forks.

Since this amendment is relaxatory in nature, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not necessary and good cause exists to make this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of part 39 of the FAR's, amendment 39-1323 (36 F.R. 20417), is amended by changing Paragraph C so that it now reads as follows:

C. For those airplanes with 1,500 or more total hours time in service as of January 1, 1972, and for those airplanes upon the accumulation of 1,500 hours total time in service after January 1, 1972, within the first 300 hours time in service thereafter, replace earlier type forks with applicable nose gear fork P/N 0442503-497, 0543043-497, or 0543043-498 or newer nose gear forks identified in current Cessna parts catalogs.

This amendment becomes effective November 9, 1971.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 27, 1971.

CHESTER W. WELLS,
Acting Director,
Central Region.

[FR Doc.71-16168 Filed 11-4-71;8:45 am]

[Docket No. 10982; Amdt. 39-1329]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker-Siddeley Model DH-125 Airplanes

Amendment 39-1251 (36 F.R. 13776), AD 71-16-2 requires modification of the Rotax voltage sensing unit on Hawker-Siddeley Model DH-125 airplanes. After issuing Amendment 39-1251 (AD 71-16-2), the FAA has determined that, through inadvertence, the applicability statement of the AD is erroneous in that it fails to limit applicability of the AD to the specific serial number airplanes that require the modification. Therefore, the AD is being amended to limit its applicability to specific Hawker-Siddeley Model DH-125 series 1A and 1A-522 airplanes.

Since this amendment corrects the applicability statement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1251 (36 F.R. 13776), AD 71-16-2, is amended by amending the applicability statement to read:

HAWKER-SIDDELEY AVIATION, LTD. Applies to Hawker-Siddeley Model DH-125 series 1A serial numbers 25013, 25014, 25016, 25018, 25021, 25022, 25026, 25027, 25030, 25031, 25034 through 25039, 25042, 25051 through 25053, 25057, and 25058; and series 1A-522 serial numbers 25017, 25020, 25023, 25029, 20532, 25033, 25043, 25046, 25047, 25060, 25064, 25065, 25066, 25068, 25070, 25073, through 25075, 25078, 25079, 25082 through 25084, 25086 through 25088, 25091, 25093, and 25095 airplanes.

This amendment becomes effective November 5, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 29, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-16169 Filed 11-4-71;8:45 am]

[Docket No. 71-SO-115; Amdt. 39-1323]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman G-159 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wing to fuselage fittings for cracks and repair, if necessary, on Grumman Model G-159 airplanes was published in the FEDERAL REGISTER, 36 F.R. 12696.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

GRUMMAN. Applies to all Model G-159 airplanes.

Compliance required as indicated.

To detect cracking in the wing to fuselage attachment fittings at butt line 9 of Grumman Model G-159 airplanes, accomplish the following:

a. Within 6 months time in service after the effective date of this AD, unless already accomplished, inspect the wing to fuselage attachment fittings, P/Ns 159WM10064 and 159WM10065 (P/N 159WM10223 assembly), and P/N 159WM10045 at butt line 9 left and right, wing front beam for cracks, deformation, gaps, or improper shimming in accordance with Grumman Gulfstream I Aircraft Service Change No. 190, dated June 28, 1971, or later FAA approved revision or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

b. If cracks, deformation, gaps, or improper shimming are found when conducting the inspection required by paragraph a., within 100 hours time in service after detection correct in accordance with Aircraft Service Change 190 or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

c. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the inspection time to coincide with inspections for wing corrosion required by AD 67-4-1.

This amendment becomes effective November 26, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 27, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-16170 Filed 11-4-71;8:46 am]

[Docket No. 11003; Amdt. 65-19]

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

Military Air Traffic Control Tower Operators; Experience Requirements for Facility Rating

The purpose of this amendment to Part 65 of the Federal Aviation Regulations is to allow military air traffic control tower operators to meet the practical experience requirements for a facility rating at a particular tower by having at least 6 months of experience as an air traffic control tower operator. However, that experience need not be had (1) at that tower without a facility rating or (2) at a different tower with a facility rating there, as required of other control tower operators.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (notice 71-11) issued on April 23, 1971, and published in the FEDERAL REGISTER on April 29, 1971 (36 F.R. 8051). Due consideration has been given to all comments presented in response to the notice.

Four of the seven public comments received in response to the notice concurred in the proposal. The other three opposed the proposal. One of these asserted that the proposal would result in a derogation of safety. Another asserted that (1) if an Air Force controller were transferred frequently during the 6-month period, he might not acquire adequate practical experience; (2) under the proposed rule civilian and military controllers at joint-use facilities might not have the same qualifications; and (3) the proposed rule would lower standards without consideration of established air traffic control procedures and the need for maintaining the highest degree of safety in aviation. The third opposing commentator asserted that the facility ratings placed on certificates would be degraded.

The FAA does not agree that any of these asserted results will be caused by this rule. The rule does not entitle an Air Force controller to a facility rating so that he may immediately control air traffic. It only relieves him of waiting 6 months at a particular tower, if he has satisfactorily served elsewhere as an air traffic control tower operator for at least 6 months. He is still required to pass the skill requirements under § 65.37 that are applicable to each operating position in the tower at which the rating is sought. Safety would not be derogated because the rating will not be issued until the individual passes the practical test and demonstrates his competence as an air traffic control tower operator at the particular airport. It has therefore been determined to issue the amendment for the reasons stated in the notice.

In its response to the notice, the Directorate of Operations, U.S. Air Force, recommended changing "air traffic control tower operator" to "air traffic controller" so that the time served by controllers providing only radar approach control service could be applied to the 6 months experience requirement. However, this change is not necessary as to radar approach control service performed as an airport traffic control function of a particular tower. While performing this service a person is serving as an air traffic control tower operator, and the time involved is applied to the 6 months experience requirement.

In consideration of the foregoing, § 65.39 of the Federal Aviation Regulations is amended, effective December 6, 1971, by adding the following flush paragraph at the end thereof:

§ 65.39 Practical experience requirements: facility rating.

* * * * *

However, an applicant who is a member of an Armed Force of the United States meets the requirements of this section if he has satisfactorily served as an air traffic control tower operator for at least 6 months.

(Secs. 313(a) and 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421. Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 28, 1971.

K. M. SMITH,
Acting Administrator.

[FR Doc.71-16167 Filed 11-4-71;8:45 am]

[Airspace Docket No. 71-RM-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On September 15, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 18476) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Great Falls, Mont. (International Airport), the Great Falls, Mont. (Malmstrom Air Force Base) control zones and the Great Falls, Mont. transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); and of sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Aurora, Colo., on October 27, 1971.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.171 (36 F.R. 2055) the following control zones are amended to read as follows:

GREAT FALLS, MONT. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of the Great Falls International Airport (latitude 47°29'00" N., longitude 111°22'00" W.) within 3½ miles each side of the Great Falls VORTAC 225° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC; within 3½ miles each side of the Great Falls VOR TAC 045° radial, extending from the 5-mile radius zone to 19 miles northeast of the VORTAC.

GREAT FALLS, MONT. (MALMSTROM AIR FORCE BASE)

Within a 5-mile radius of the Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.); within 3½ miles each side of the Malmstrom AFB VOR 037° radial, extending from the 5-mile-radius zone to 16¼ miles northeast of the VOR; within 3½ miles each side of the Malmstrom AFB TACAN 227° radial, extending from the 5-mile-radius zone to 7 miles southwest of the TACAN; excluding those portions within the Great Falls International Airport control zone.

In § 71.181 (36 F.R. 2140) the following transition area is amended to read as follows:

GREAT FALLS, MONT.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Malmstrom Air Force Base (latitude 47°30'05" N., longitude 111°11'20" W.) and within 3½ miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile-radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile-radius area to 56 miles west of the VOR.

[FR Doc.71-16104 Filed 11-4-71;8:45 am]

[Airspace Docket No. 71-SO-159]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alexander City, Ala., transition area.

The Alexander City transition area is described in § 71.181 (36 F.R. 2140). In the amendment, an 11-mile extension is predicated on the 171° bearing from Alexander City RBN. Effective November 25, 1971, the procedure turn bearing for the NDB-A Instrument Approach Procedure will be changed to the 181° bearing and the altitude will be increased to 2,300 feet MSL. These changes require that the extension be redesignated to the 181° bearing and reduced to 8.5 miles in length. Since these amendments are minor in nature and reduce the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 25, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Alexander City, Ala., transition area is amended as follows:

"* * * 171° bearing * * *" and "* * * 11 miles south * * *" are deleted and "* * * 181° bearing * * *" and "* * * 8.5 miles south * * *" are substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-16175 Filed 11-4-71;8:46 am]

[Airspace Docket No. 71-SO-148]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On September 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 19037), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the St. Petersburg, Fla. (Albert-Whitted Airport), control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the St. Petersburg, Fla. (Albert-Whitted Airport) control zone is amended to read:

ST. PETERSBURG, FLA. (ALBERT-WHITTED AIRPORT)

Within a 5-mile radius of the Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.); within 1.5 miles each side of the St. Petersburg VORTAC 159° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC, excluding the portion within the St. Petersburg and MacDill AFB control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 29, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-16176 Filed 11-4-71;8:46 am]

[Airspace Docket No. 71-NW-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On September 10, 1971, a notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 18214) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on October 27, 1971.

C. B. WALK, Jr.,
Director, Northwest Region.

In § 71.171 (36 F.R. 2055), the description of the Boise, Idaho, control zone is amended as follows:

Add to the text "* * * and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius zone to 7 miles south of the VORTAC."

[FR Doc.71-16172 Filed 11-4-71;8:46 am]

[Airspace Docket No. 71-RM-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 15, 1971, F.R. Doc. 71-14718 was published in the FEDERAL REGISTER (36 F.R. 20035) adopting an amendment to Part 71 of the Federal Aviation Regulations that altered the transition area for Livingston, Mont.

Subsequent to the publication of this document, it was discovered the reciprocal of the 085° radial (265°), needed to describe a 1,200-foot portion of the transition area, was inadvertently omitted in the description of the transition area. Therefore, action is taken herein to correct this omission.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date as originally adopted may be retained.

In consideration of the foregoing, in § 71.181 (36 F.R. 2140) the description of the Livingston, Mont. 1,200-foot transition area as amended by (36 F.R. 20035) is further amended by deleting "* * * the Livingston VORTAC 085° radial * * *" and substituting "* * * the Livingston VORTAC 085° and 265° radials * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on October 29, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-16173 Filed 11-4-71;8:46 am]

[Airspace Docket No. 71-RM-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establishment of Control Zone and Transition Area

On September 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 18109) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would establish the Dillon, Mont. control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on October 28, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (36 F.R. 2055) the following control zone is added:

DILLON, MONT.

Within a 6-mile radius of the Dillon Airport, Dillon, Mont. (latitude 45°15'20" N., longitude 112°33'10" W.) and within 3 miles each side of the Dillon VORTAC 025° radial, extending from the 6-mile-radius zone to 8.5 miles northeast of the VORTAC.

In § 71.181 (36 F.R. 2140) the following transition area is added:

DILLON, MONT.

That airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Dillon VORTAC 025° radial, extending from the VORTAC to 24 miles northeast; and that airspace extending upward from 11,700 feet MSL within 7.5 miles west and 10.5 miles east of the Dillon VORTAC 168° and 348° radials extending from 4.5 miles north to 19.5 miles south of the VORTAC.

[FR Doc.71-16174 Filed 11-4-71;8:46 am]

[Airspace Docket No. 71-WE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On September 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 19037) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would amend the description of the Fort Ord, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., January 6, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on October 28, 1971.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

In § 71.171 (36 F.R. 2055) the description of the Fort Ord, Calif., control zone is amended as follows:

Delete the last sentence of the control zone description and substitute therefor, "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual."

[FR Doc.71-16177 Filed 11-4-71;8:46 am]

[Docket No. 11472; Amdt. No. 781]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF-ADF(NDB)-VOR SIAP's, effective December 2, 1971.

Tonopah, Nev.—Tonopah Airport; VOR-1 Amdt. 4; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective December 2, 1971.

Alabaster, Ala.—Shelby County Airport; VOR-A, Amdt. 2; Revised.
Bettles, Alaska—Bettles Airport; VOR Runway 1, Amdt. 2; Canceled.
Lamar, Colo.—Lamar Municipal Airport; VOR Runway 18, Amdt. 5; Revised.
Picayune, Miss.—Picayune Muncipal Airport; VOR-A, Amdt. 7; Revised.
Toccoa, Ga.—Toccoa Airport; VOR Runway 20, Amdt. 3; Revised.
Tonopah, Nev.—Tonopah Airport; VOR-A, Original; Established.
Bettles, Alaska—Bettles Airport; VORTAC Runway 1, Original; Established.
Fairbanks, Alaska—Fairbanks International Airport; VORTAC Runway 19, Amdt. 2; Canceled.
Indianola, Miss.—Indianola-Legion Field; VOR/DME-A, Amdt. 2; Revised.
Nome, Alaska—Nome Airport; VOR/DME Runway 9, Original; Established.
Nome, Alaska—Nome Airport; VORTAC Runway 9, Amdt. 3; Canceled.
Teterboro, N.J.—Teterboro Airport; VOR/DME-A, Amdt. 3; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective December 2, 1971.

Gaithersburg, Md.—Montgomery County Airpark; NDB-A, Amdt. 2; Revised.
Grand Junction, Colo.—Walker Field; NDB Runway 11, Amdt. 7; Revised.
Grand Junction, Colo.—Walker Field; NDB-1 Runway 11, Original; Canceled.
Millville, N.J.—Millville Municipal Airport; NDB Runway 14, Amdt. 3; Revised.
Teterboro, N.J.—Teterboro Airport; NDB Runway 6, Amdt. 10; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective December 2, 1971.

Baltimore, Md.—Friendship International Airport; ILS Runway 10, Amdt. 2; Revised.
Baltimore, Md.—Friendship International Airport; ILS Runway 15, Amdt. 4; Revised.
Grand Junction, Colo.—Walker Field; ILS Runway 11, Original; Established.
Teterboro, N.J.—Teterboro Airport; ILS Runway 6, Amdt. 19; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective December 2, 1971.

Albany, Ga.—Albany-Dougherty County Airport; Radar-1, Amdt. 3; Revised.
Destin, Fla.—Destin-Fort Walton Beach Airport; Radar-1, Amdt. 1; Revised.
Hershey, Pa.—Hershey Airpark; Radar-1, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on October 27, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969 (35 F.R. 5610).

[FR Doc.71-16108 Filed 11-4-71;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 55—GRANTS UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971

Subpart C—Grants for Indian Tribes on Federal or State Reservations

Subtitle A of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new subpart to Part 55, designated Subpart C, relating to grants for Indian tribes on Federal or State reservations, and by an amendment to Subpart A. The new Subpart C sets forth the regulations of the Secretary of Labor for making such grants under the Emergency Employment Act of 1971 (Public Law 92-54).

The Emergency Employment Act of 1971 was designed to increase employment and was made effective by Congress on an emergency basis. The effective implementation of the program for the benefit of Indian tribes on Federal or State reservations is not possible without regulations to enable the intended recipients of Federal financial assistance to know the requirements and how to proceed. Compliance with the notice and public procedure requirements of 5 U.S.C. 553 would involve a delay in making available the assistance provided by this Act; we find that under the circumstances such delay would be impracticable and contrary to the public interest. Accordingly, the amendments and the new Subpart C shall be effective upon

publication in the FEDERAL REGISTER (11–5–71).

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the provisions of 5 U.S.C. 553. See 29 CFR 2.7 published in the July 10, 1971 FEDERAL REGISTER, 36 F.R. 12976. In accordance with the spirit of the public policy set forth in the above mentioned section, interested parties may submit written comments, suggestions, data, or arguments to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210, within 45 days of the publication of the regulations contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until it is revised, however, it shall remain effective, thus permitting the public business to proceed expeditiously.

Part 55 is hereby amended as follows:

1. The first sentence of § 55.1(c) is revised, and the revised paragraph reads as follows:

§ 55.1 Definitions.

* * * * *

(c) "Eligible applicant" means any unit of Federal, State or general local government, or any public agency or institution which is a subdivision or consortium of Federal, State, or general local government, or an Indian tribe on a Federal or State reservation. For purposes of this definition, a public agency or institution is deemed to be a subdivision of State or local government even if it is not directly responsible to such unit of government.

* * * * *

2. A new Subpart C is added as follows:

Subpart C—Grants to Indians on Federal or State Reservations

Sec.
55.40 Purpose and scope.
55.41 Definitions.
55.42 Incorporation of sections from other other subparts.
55.43 Applications for grants.
55.44 Distribution and use of funds.
55.45 Employing agencies.
55.46 Selection of participants.
55.47 Action on applications.
55.48 Adjustments in payments; termination of grants.
55.49 Funding.

AUTHORITY: The provision of this Subpart C issued under section 12 of the Emergency Employment Act, and Secretary's Order 20–71.

§ 55.40 Purpose and scope.

This subpart contains the policies, rules, and regulations of the Department of Labor with respect to grants for Indian tribes on Federal and State reservations under the Emergency Employment Act of 1971 (Public Law 92–54, 85 Stat. 146).

§ 55.41 Definitions.

As used in this Subpart C and in grant instruments entered into pursuant to this subpart:

(a) The definitions of "the Act," "compensation," "eligible applicant," "health care," "participant," "poverty level," "professional work," "public service," "Secretary," "special veteran," "subagent or subgrantee," "supportive services," "State," "unemployed person," and "underemployed person" set forth in § 55.1 of Subpart A are hereby incorporated in this subpart.

(b) "Eligible reservation" means the governing body of the Indian tribe or tribes on a Federal or State reservation. An eligible reservation is an eligible applicant.

(c) "Indian tribe on a Federal reservation" means a tribe located on land set aside for Indians and for which the United States is a trustee.

(d) "Indian tribe on a State reservation" means a tribe located on a reservation recognized by the State in which it is located.

(e) "Program agent" means an intertribal council, an organization of Indians, or an eligible applicant which has been designated by the Secretary for requesting, receiving, and administering funds intended for use in the employment of Indians residing on Federal and State reservations.

§ 55.42 Incorporation of sections from other subparts.

Sections 55.10 except for paragraph (a)(1), §§ 55.17, 55.18, and 55.19 of the regulations in Subpart A are hereby incorporated in this Subpart C.

§ 55.43 Applications for grants.

(a) An application for a grant for funds may be submitted by a program agent acting through its highest authorized official. The application shall contain all the information and assurances required by §§ 55.3 and 55.6 of Subpart A, except that no assurance to disregard the race or color of an applicant or participant will be required.

(b) Grant applications must be accompanied by a statement that a copy of the application, including the proposed distribution of funds, has been furnished to the Governor, and that a summary of the application has been published in two newspapers of general circulation in the area for the benefit of units of general local government which may be interested. Notice to the Governor may be given in accordance with the procedures established under the Intergovernmental Cooperation Act of 1968. The published notice shall specify where the application may be examined in full, and invite comment to the program agent and/or the Secretary. Both actual and constructive notice shall state that consideration will be given only to comments received within the time periods specified in § 55.10(b) of Subpart A.

§ 55.44 *Distribution and use of funds.*

(a) The Secretary will allocate the funds to program agents for distribution to designated eligible reservations in proportion to the total Indian population of each such reservation.

(b) The program agent shall assure all affected eligible reservations an opportunity for participation in all activities and decisions related to the administration of the program.

§ 55.45 Employing agencies.

(a) Either an eligible reservation or an eligible applicant which has been designated by an eligible reservation may be an employing agency.

(b) Activities and services for which financial assistance is granted under this subpart must be administered by or under the supervision of a program agent.

(c) If the program agent is not an eligible applicant both the program agent and any eligible applicant receiving funds directly from the program agent shall be responsible to the Secretary for compliance with the Act, the regulations, and the grant conditions, and for any funds improperly expended.

(d) Program agents may use their funds to purchase administrative and supportive services from public or private organizations, *Provided,* That program agents may not contract with private organizations for the employment of participants, and *Provided further,* That any contract with a private organization in excess of $10,000 shall be approved by the Secretary.

§ 55.46 Selection of participants.

(a) Paragraphs (a), (b), (c), and (e) of § 55.7 are applicable to grants pursuant to this subpart.

(b) Participants shall be selected from resident members of the tribes on the eligible reservation to which funds have been allotted. Wherever possible, employment opportunities shall be provided at jobsites within the geographical boundaries of the reservation, and the public services resulting from the public employment thereby created shall be provided to residents of the reservation.

§ 55.47 Action on applications.

An application for a grant for an Indian tribe under this subpart will be approved if (1) the program agent, or when the program agent is not an eligible applicant, the eligible applicant receiving funds directly through it, has the legal capacity to operate the program proposed, (2) the application meets the requirements of the statute and of the regulations in this subpart, and (3) the Secretary finds in his discretion that the amount requested and the plan for allocation within the area will best serve to reduce unemployment.

(b) The program agent will be notified of action taken on an application in accordance with § 55.11(b). If approved, the grant will be completed as provided in said § 55.11(b); if the application is denied, a notice of denial will be sent to the program agent, accompanied by a brief statement of the reason for denial.

(c) In the event an acceptable application is not filed within the time prescribed by the Secretary or is denied, or a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds released by such failure to file, denial, or termination, to be used by one or more

alternative eligible applicants in furtherance of the purposes of this subpart.

§ 55.48 Adjustments in payments; termination of grants.

(a) If any funds are expended by a program agent, or an eligible applicant receiving funds directly through a program agent which is not an eligible applicant, in violation of the Act, the regulations, or grant conditions, the Secretary may make necessary or appropriate adjustments in payments to the program agent or may terminate the grant. If the violation is by an eligible applicant receiving grant funds from a program agent which is not an eligible applicant, the Secretary may seek recourse against such eligible applicant.

(b) The methods, provisions, and procedures for adjustments in payments or termination of grants which are set forth in §§ 55.25 and 55.26 shall apply with respect to grants pursuant to this subpart.

§ 55.49 Funding.

(a) Paragraphs (d), (e), and (f) of § 55.15 of Subpart A are incorporated herein.

(b) Federal funds will be granted on the basis of program applications, and only for purposes (1) permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Government," and (2) not barred under the remaining provisions of this part.

(c) Not less than 85 percent of the funds granted to a program agent, or the percent specified by the Secretary, shall be used for compensation and benefits to participants.

(d) It is hereby found that the requirement for non-Federal share would cause a serious hardship for eligible reservations and therefore that requirement is waived with respect to grants under this subpart.

Signed at Washington, D.C., this 29th day of October, 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.71–16193 Filed 11–4–71;8:48 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Rev. 5)]

OI REG. 1—OIL IMPORT REGULATION

Administrative Reorganization—Oil Imports

The Oil Import Administration has been merged into the Office of Oil and Gas, and the authority formerly vested in the Administrator, Oil Imports Administration, has been delegated to the Director, Office of Oil and Gas.

1. Section 2 of Oil Import Regulation 1 (Revision 5) is amended to read as follows:

Sec. 2 Administration of program.

The Director, Office of Oil and Gas has been empowered to exercise, pursuant to regulations, the authority conferred upon the Secretary by Proclamation 3279, as amended.

2. Oil Import Regulation 1 (Revision 5) and Oil Import Regulation 2 are amended by substituting throughout the regulations "Director" for "Administrator" and "Office of Oil and Gas" for "Oil Import Administration."

3. The chapter heading of Chapter X, Title 32A, Code of Federal Regulations, is amended to read as set forth above.

4. Oil Import Administration bulletins are redesignated as Oil Import bulletins.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

OCTOBER 29, 1971.

[FR Doc.71–16188 Filed 11–4–71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.5—GSA Procurement Programs

SUBMISSION OF REQUIREMENTS

Correction

In F.R. Doc. 71–15927 appearing at page 20876 in the issue of Saturday, October 30, 1971, under § 101–26.501–3 (c) a line reading "sion of requisitions as set forth in" should be inserted after the 16th line in the first column of page 20877.

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart D—Special Rules Applicable to Proceedings in Indian Probate, Including Hearings and Appeals

WILLS OF INDIANS

Pursuant to the authority of the Secretary of the Interior contained in 25 U.S.C. 373, the following amendments of the heading of § 4.260 and of the text of paragraph (b) of that regulation in Part 4, Title 43, are made to clarify procedural matters. The amendments eliminate language in the regulation which refers to approval or disapproval, as to form, of wills executed by living Indians by the Secretary and provides for review in the Office of the Solicitor. They do not, however, alter any legal requirements as to the form of such wills. As amended, the heading of § 4.260, and paragraph (b) read as follows:

§ 4.260 Making; review as to form and revocation.

* * * * *

(b) When an Indian executes a will and submits the same to the Superintendent of the Agency, the Superintendent shall forward it to the Office of the Solicitor for examination as to adequacy of form, and for submission by the Office of the Solicitor to the Superintendent of any appropriate comments. The will or codicil or any replacement or copy thereof may be retained by the Superintendent at the request of the testator or testatrix for safekeeping. A will shall be held in absolute confidence, and no person other than the testator shall admit its existence or divulge its contents prior to the death of the testator.

* * * * *

It is the policy of the Department of the Interior, whenver practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this amendment is editorial in nature and merely reflects the applicable practice in this matter, notice and public procedure thereon under 5 U.S.C. 553 are unnecessary and it will be made effective in less than 30 days. Accordingly, this amendment shall become effective upon publication hereof in the FEDERAL REGISTER (11–5–71).

Dated: November 1, 1971.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

[FR Doc.71–16192 Filed 11–4–71;8:48 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 71–127]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

Corrosive liquids, n.o.s., wet desensitized pentaerythrite tetranitrate, bromine, hydrochloric acid, sodium chlorite,

chromic acid, refrigerant gas, chloropicrin and chloropicrin mixtures, and flammable liquid containers.

This amendment to Part 146 of Title 46 of the Code of Federal Regulations allows the carriage on board vessels of bulk shipments of certain corrosive liquids, n.o.s., in tank cars, motor vehicle tank trucks complying with Department of Transportation regulations (trailerships and trainships only) and portable tanks; wet desensitized pentaerythrite tetranitrate in specification DOT-21C fiberdrums having an inside polyethylene bag; bromide in bottles not over one (1) quart in specification 12A fiberboard boxes; and hydrochloric acid and sodium chlorite solution in specification 2E polyethylene bottles up to one (1) gallon capacity in DOT-12R packaging. In addition, this amendment revises the definition of chromic acid, prohibits its carriage in certain packaging that apparently is no longer in use, and allows its carriage in specification DOT-29 and 33A packaging. This amendment also allows the carriage of chloropicrin and mixtures of chloropicrin containing no compressed gas or class A poisonous liquids in specification 4BW cylinders and increases the quantity that may be carried in authorized cylinders. Refrigerant gases which are nonflammable and nonpoisonous may be carried, as a result of this amendment, in specification DOT-2P and 2Q inside metal containers. This amendment also allows for the carriage of the certain flammable liquids in specification DOT-2S inner polyethylene containers when DOT-2SL containers are authorized. This change applies to acetone; butyraldehyde; ethyl acetate; ethyl methyl ketone; heptane; isopropyl acetate; methyl acetate; methyl acetone; methyl isopropenyl ketone, inhibited; motor fuel, n.o.s.; pentane, methyl petroleum distillate; allyl bromide; antifreeze compounds, liquids; butyl acetate; box toe gum; cement, leather; cigar and cigarette lighter fluid; coal tar distillate; coal tar naphtha; coal tar oil; compounds, cleaning, liquid; compounds, tree or weed killing, liquid; crontonaldehyde; crude oil, petroleum; dimethylamine, aqueous solution; drugs, chemicals, medicines, or cosmetics, n.o.s.; ethylene dichloride; insecticide, liquid; methyl methaacrylate monomer; oil; pyridine; resin solution; sodium methylate alcohol mixture; solvents, n.o.s.; toluol; turpentine substitutes vinyl acetate; xylol; inflammable liquids, n.o.s.; insecticide, liquid (vermin exterminator).

At page 21287 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation amends 49 CFR Parts 172, 173, and 178. This amendment to 46 CFR Part 146 adopts the substantive changes of the Board in its amendment.

For reasons fully stated in that document, the Board did not at this time adopt regulations which would allow the bulk shipment of diethyl phosphorochloridothioate and dimethyl phosphorochloridothioate. The Coast Guard is following the Board's actions with respect to these dangerous cargoes.

The Board's amendment to the hazardous materials regulations of the Department of Transportation in Title 49 applies to shippers by water, air, and land and to carriers by air and land. This amendment to Title 46 applies to carriers by water.

Interested persons were afforded an opportunity to participate in the making of this rule. This amendment was published in a series of notices of proposed rule making (CGFR 71-32, 33, 34, 35, 36, 37, 38, and 40) on Wednesday, May 26, 1971 (36 F.R. 9598) and a hearing was held on this amendment on August 10, 1971 at Washington, D.C. No comments were received.

Accordingly, Part 146 of Title 46, Code of Federal Regulations, is amended as follows:

1. By adding to § 146.04-5—"List of explosives and other dangerous articles and combustible liquids" in column 1 in the proper alphabetical order the following articles:

Ethyl chlorothiolformate. (See: Corrosive liquid, n.o.s.)
Ethyl phosphonothioic dichloride, anhydrous. (See: Corrosive liquid, n.o.s.)
Ethyl phosphorodichloridate. (See: Corrosive liquid, n.o.s.)
Methyl phosphonothioic dichloride, anhydrous. (See: Corrosive liquid, n.o.s.)
Methyl phosphonus dichloride. (See: Corrosive liquid, n.o.s.)
Pentaerythrite tetranitrate, desensitized, wet. (See: High explosives.)

2. In § 146.20-100—"Table A—Classification—Class A; dangerous explosives" for the article "High explosives (*wet with not less than 10 pounds of water to every 90 pounds of dry material*):"

(a) In column 1 by adding in proper alphabetical sequence the following:

Pentaerythrite tetranitrate, desensitized.

(b) In column 4 by deleting the words under "outside containers" and inserting in place thereof the following:

Authorized only for *ammonium picrate, cyclotrimethylene-trinitramine, picric acid, trinitrobenzene, trinitrobenzoic acid, trinitroresorcinol, trinitrotoluene, urea nitrate.*
Wooden barrels or kegs (DOT-10B) not over 50 gal. cap.
Authorized only for *Cyclotrimethylene-trinitramine.*
Fiber drum (DOT-21C) WIC not over 225 lb. net dry wt.
Metal barrels or drums (DOT-5B) WIC not over 300 lb. net wt.
Authorized only for *Pentaerythrite tetranitrate, desensitized.*
Fiber drum (DOT-21C) WIC not over 200 lb. net dry wt.

3. In § 146.21-100—"Table D—Classification Inflammable Liquids:"

(a) For the following articles:

Acetone.
Butyraldehyde.
Ethyl acetate.
Ethyl methyl ketone.
Heptane.
Insecticide, liquid.
Isopropyl acetate.
Methyl acetate.
Methyl acetone.
Methyl iso-propenyl ketone, inhibited.
Motor fuel, n.o.s.
Pentane.
Pentane, methyl.
Petroleum distillate.

by deleting in column 4 the words "Cylindrical steel overpacks: (DOT-6D, 37M(NRC)) WIC DOT-2SL not over 55 gal. cap." and inserting in place thereof "Cylindrical steel overpacks: (DOT-6D, 37M(NRC)) WIC (DOT-2SL) not over 55 gal. cap."

(b) For the following articles:

Allyl bromide.
Anti-freeze compounds, liquid.
Butyl acetate.
Box toe gum.
Cement, leather.
Cigar and cigarette lighter fluid.
Coal tar distillate.
Coal tar naphtha.
Coal tar oil.
Compounds, cleaning, liquid.
Compounds, tree or weed killing, liquid.
Crontonaldehyde.
Crude oil, petroleum.
Dimethylamine, aqueous solution.
Drugs, chemicals, medicines, or cosmetics, n.o.s.
Ethylene dichloride.
Insecticide, liquid.
Methyl methacrylate monomer.
Oil.
Pyridine.
Resin solution.
Sodium methylate alcohol mixture.
Solvents, n.o.s.
Toluol.
Turpentine substitutes.
Vinyl acetate.
Xylol.

by deleting in columns 4, 5, 6, and 7 the words "Cylindrical steel overpacks: (DOT-6D, 37M(NRC)) WIC DOT-2SL not over 55 gal. cap." and inserting in place thereof "Cylindrical steel overpacks: (DOT-6D, 37M(NRC)) WIC (DOT-2SL, 2S) not over 55 gal. cap."

(c) For the article "Inflammable liquid, n.o.s." in column 4 under outside container section (b) and in columns 5, 6, and 7 by deleting the words "DOT-6D, 37M(NRC)) WIC DOT-2SL not over 55 gal. cap." an inserting in place thereof "DOT-6D, 37M(NRC)) WIC (DOT-2SL) not over 55 gal. cap."

4. In § 146.23-100—"Table F—Classification: Corrosive Liquids" for the article "Corrosive liquid, n.o.s.:"

(a) By adding in column 1 the following:

Ethyl chlorothiolformate.
Ethyl phosphonothioic dichloride, anhydrous.
Ethyl phosphorodichloridate.
Methyl phosphonothioic dichloride, anhydrous.
Methyl phosphonus dichloride.

(b) In columns 4, 6, and 7 by inserting the words "The following outside containers may be used for all corrosive liquids, n.o.s.:" directly under the words "Outside containers."

(c) In column 4 by adding the following:

The following outside containers may be used for ethyl chlorothiolformate; ethyl phosphonothioic dichloride, anhydrous; ethyl phosphonous dichloride, anhydrous; methyl phosphonothioic dichloride, anhydrous; methyl phosphonous dichloride:
Portable tanks (DOT-51) complying with DOT regulations not over 20,000 lb. gr. wt.

(d) In columns 4 and 7 by adding the following:

The following outside containers may be used for ethyl phosphonothioic dichloride, anhydrous; ethyl phosphorodichloridate; methyl phosphonothioic dichloride, anhydrous:

Tank cars complying with DOT regulations (trainships only).

5. By revising § 146.23-100—"Table F—Classification: Corrosive Liquids" as follows:

(a) For the article "Bromine" in column 4 by inserting the words "Fiberboard boxes (DOT-12A) WIC" directly after the words "Outside containers."

(b) For the article "Hydrochloric acid" by deleting in column 4 "Paper-faced expanded polystyrene board boxes (DOT-12R)" and inserting in place thereof "Paper-faced expanded polystyrene board boxes (DOT-12R) WIC (DOT-12E)."

(c) For the article "Sodium chlorite solution (*not exceeding 42 percent sodium chlorite*)" by deleting in columns 4, 5, 6, and 7, "Paper-faced expanded polystyrene board boxes (DOT-12R)," and inserting in place thereof "Paper-faced expanded polystyrene board boxes (DOT-12R) WIC (DOT-12E)."

(d) For the article "Chromic acid solution" by deleting in column 2 the words "A solution of chromic acid" and inserting in place thereof the following:

Solution of chromic acid (chromium trioxide) in water, with or without other acids, containing 35 percent or more of chromic acid. Solutions containing chromic acid in water, in concentration not exceeding 35 percent (other acids may also be present), and which are not otherwise regulated as corrosive liquids in this subpart, must be shipped under the terms of "Corrosive liquids, n.o.s."

Packaging must be of a design and be constructed of materials that will not react dangerously with nor be decomposed by the chemical solution packed therein.

(e) For the article "Chromic acid solution" by deleting in columns 4, 5, 6, and 7, the words:

Carboys, boxed, glass, earthenware, clay, or stone (DOT-1A) not over 13 gal. cap.
Carboys, boxed, lead (DOT-1B) not over 13 gal. cap.
Carboys in kegs, glass, earthenware, clay, or stone (DOT-1C) not over 13 gal. cap.
Carboys, boxed, glass (DOT-1D) not over 6½ gal. cap.
Carboys in plywood drugs, glass (DOT-1E) not over 7 gal. cap.
Carboys, boxed, glass, earthenware, clay, or stone (DOT-1X) STC, for export only not over 6 gal. cap.
Carboys, lead, metal-jacketed (DOT-2S) not over 15 gal. cap.
Steel barrels or drums:
(DOT-5A) not over 110 gal. cap.
(DOT-5C) not over 110 gal. cap.
(DOT-37P) NRC, not over 5 gal. cap.
(DOT-17C, 17E, 17F) STC, not over 55 gal. cap.
(DOT-17H, 37A, 37B) STC, not over 5 gal. cap.
Monel drugs (DOT-5M) not over 55 gal. cap.
Metal drums (DOT-5M) not over 55 gal. cap.
Metal drums, rubber-lined (DOT-5D) not over 110 gal. cap.
Metal drums, lead-lined (DOT-5H) not over 110 gal. cap.
Cylindrical steel over pack:
(DOT-6D, 37M, (NRC)), WIC DOT-2S or 2SL, not over 55 gal. cap.
Rubber drums (DOT-43A) not over 30 gal. cap.
Wooden barrels or kegs:
(DOT-10A) asphalt, paraffin, or wax lined not over 50 gal. cap.
(DOT-11A, 11B), WIC, not over 200 lb. net wt.
Wooden boxes:
(DOT-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.
(DOT-16A) WIC polyethylene 2U, not over 200 lb. gr. wt.
(DOT-16D) WIC (DOT-2T, 2TL, 2S, 2SL) not over 15 gal. cap.
Fiberboard boxes:
(DOT-12A, 12B) WIC, not over 65 lb. gr. wt.
(DOT-12P) WIC (DOT-2U polyethylene) not over 5 gal. cap. ea.
Plywood or wooden box or drum (DOT-15P, 22C) WIC (DOT-2T) not over 15 gal. cap.
Fiber drum (DOT-21P) WIC DOT-2S, 2SL or 2U not over 30 gal. cap.

and inserting in place thereof the following:

For solutions containing chromic acid in water, with or without other acids, containing 35 percent or more of chromic acid:
Carboys, boxed (DOT-1A).
Metal barrels or drums (DOT-5, 5A, 5B). Openings cannot exceed 2.3 inches in diameter. Authorized for solution containing chromic acid only.
Steel drums (DOT-17E). Authorized for solution containing chromic acid only.
Fiberboard boxes (DOT-12A, 12B) WIC. Not authorized for solutions containing nitric acid.
Paper-faced expanded polystyrene board boxes (DOT-12R) WIC.
Polystyrene cased (DOT-33A) (NRC) WIC.
Mailing tubes (DOT-29) WIC.

In addition to the outside containers listed above, solutions containing chromic acid in water, in concentrations not exceeding 35 percent (other acids may also be present) may also be packaged as follows:

Carboys, boxed, (DOT-1A) not over 13 gal. cap.
Carboys, boxed, (DOT-1B) not over 13 gal. cap.
Carboys in kegs, (DOT-1C) not over 13 gal. cap.
Carboys, boxed, glass (DOT-1D) not over 6½ gal. cap.
Carboys in plywod drums, (DOT-1E) not over 7 gal. cap.
Carboys, boxed, (DOT-1X) STC, for export only
Carboys, lead, metal-jacketed (DOT-2S) not over 15 gal. cap.
Metal barrels or drums:
(DOT-17H, 37A, 37B) STC, lines, not over 5 gal. cap.
Metal drums, rubber-lined, (DOT-5D) not over 110 gal. cap.
Metal drums, lead-lined, (DOT-5H) not over 110 gal. cap.
Cylindrical steel overpack:
(DOT-6D, 37M(NRC)), WIC DOT-2S or 2SL, not over 55 gal. cap.
Rubber drums, (DOT-43A) not over 30 gal. cap.
Wooden barrels or kegs:
(DOT-10A) asphalt, paraffin, or wax-lined not over 50 gal. cap. (DOT-11A, 11B) WIC.
Wooden boxes:
(DOT-15A, 15B, 15C, 16A, 19A) WIC.
(DOT-16A) WIC polyethylene 2U.
(DOT-16D) WIC (DOT-2T, 2TL, 2S, 2SL)
Fiberboard boxes:
(DOT-12A, 12B) WIC
(DOT-12P) WIC (DOT-2U polyethylene) not over 5 gal. cap. ea.
Plywood or wooden box or drum (DOT-15P, 22C) WIC (DOT-2T)
Fiberdrum (DOT-21P) WIC (DOT-2S, 2SL)
Polyethylene container (DOT-34) not over 30 gal. cap.
Polystyrene case (DOT-33A) (NRC) WIC.

6. By revising § 146.24-15(f) to read as follows:

§ 146.24-15 Containers.

* * * * *

(f) Mixtures containing compressed gases or gases including insecticide which are nonflammable and nonpoisonous may be shipped in inside metal containers DOT-2P equipped with safety devices of a type approved by the Department of Transportation. Refrigerant gases which are nonflammable and nonpoisonous may be shipped in inside metal containers DOT-2P and DOT-2Q. Inside metal container must be packed in strong wooden or fiber boxes of a design that protects the valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 p.s.i. absolute at 70° F. Each inside metal container filled for shipment must be heated until the contents reach a minimum temperature of 130° F, without incidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside Containers Comply With Prescribed Specification" and shall bear the proper label.

* * * * *

7. By revising § 146.25-200—"Table H—Classification-Class B; less dangerous poisons." for the article "Chloropicrin, liquid" by deleting in column 4 the words "Cylinders (DOT-3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, 4C) not over 25 lb. water capacity:" and inserting in place thereof the following:

Cylinders (DOT-3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, 4BW, 4C). Each cylinder having a water capacity over 275 pounds must have a minimum design pressure of 225 p.s.i.g. unless the specification requires a higher minimum design pressure. Valves or other closing devices must be protected by screw-on metal caps or by packing the cylinders in boxes or crates, to protect the valves from damage during transportation. A cylinder closed by means of a solid plug may have the closure protected by a metal collar. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates.

(R.S. 4472, as amended, R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. This amendment shall become effective on December 31, 1971.

Dated: October 29, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.71-16131 Filed 11-4-71;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-85; Amdt. Nos. 172-13, 173-57, 178-22]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is (1) to authorize the shipment of wetted, desensitized pentaerythrite tetranitrate (PETN) in a specification 21C drum; (2) to delete unnecessary references to DOT-106A500 tanks; (3) to authorize the shipment of certain flammable liquids in a DOT-109A100ALW tank car and in certain packagings having a specification 2S inner polyethylene container; (4) to authorize the bulk shipment of certain corrosive liquids; (5) to authorize up to 1-quart bottles of bromine in a DOT-12A fiberboard box; (6) to authorize the shipment of bromine in a nickle-clad cargo tank; (7) to authorize the shipment of sodium chlorite solutions in certain cargo tanks; (8) to authorize the shipment of hydrochloric acid and sodium chlorite solutions in DOT-2E bottles packaged within DOT-12R packaging; (9) to revise section 173.287, Chromic acid solution, to clarify and add certain packaging provisions; (10) to delete the requirement that DOT-2P and DOT-2Q metal containers be equipped with safety relief devices for shipment of certain refrigerant gases; (11) to authorize the use of a specification 4BW cylinder and to increase the quantity allowable in currently authorized cylinders for the shipment of chlorpicrin and certain mixtures of chlorpicrin; and (12) to update the DOT-4L cylinder material specification and to prohibit heat treating of this material.

On May 26, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-85; Notice No. 71-14 (36 F.R. 9602) which proposed these amendments. Interested persons were invited to give their views and several comments were received by the Board.

Two objections were received to the proposal to amend § 173.65 to authorize certain fiber drums for class A explosives. Both comments were based on difficulties reported with fiber drums containing class B propellant explosives in shipments by rail. The Board acknowledges that a problem appears to exist in the transportation of these packages by rail and currently has the matter under active study. However, the Board concludes that the amendment is warranted since the problem appears to be limited to drums containing class B propellant explosives. DOT-21C fiber drums without a requirement for the plastic bag specified herein, are currently authorized for several class A explosives under § 173.65. Review of accident reports filed with the Department fails to reveal any difficulty with these packages. The Board also notes that packages containing class A explosives are required to be given more careful handling by a rail carrier.

A commenter requested that dichlorobutene be added to the table in § 173.245a. According to the rules of procedure, public notice of such an addition must be given. The Board will give consideration to including this request in a future notice of proposed rule making. Additional data are being collected on diethyl phosphorochloridothioate and dimethyl phosphorochloridothioate. These products are therefore not included in this amendment. Another commenter requested that the products listed in § 173.245a also be included in § 172.5 to be more informative. The Board agrees with this comment and has made this change.

A commenter observed that the proposed change to § 173.252(a)(5) did not cover certain larger cargo tanks now covered by special permit. To accomplish the change requested by the commenter, the weight limitation would be required to be changed from 30,000 pounds to 60,000 pounds. Such a change cannot be made without advance notice of the intended change.

One commenter noted that possible confusion might arise in the application of § 173.287 (c) and (c)(1) when read with § 173.287(b). Editorial changes have been made to clarify the intent of the Board.

A commenter expressed an opinion that it was not consistent to require DOT-2P and DOT-2Q packaging for nonflammable and nonpoisonous refrigerant gases and to provide the exemptions described under § 173.306(a)(3). Although preliminary review of the comment indicates a possible need for change, to make such an amendment would result in a substantive change which must receive the benefit of the full rule-making procedure.

As requested by a commenter, § 173.357(b)(1) was changed editorially by inverting the order of the sentences to preclude interpretation of the requirement for valve protection to apply only to cylinders having a water capacity over 275 pounds.

In its proposed changes to § 178.57-21, the Board stated that the purpose was to update the DOT-4L cylinder material specification. One commenter noted that the revision was incorrect in that the nickel content should be changed to "8.00-10.50". Also, this commenter observed that the latest standard ASTM-A480-70 was not reflected by the current table of Check Analysis Tolerances. The Board has incorporated these recommendations since they only update the specification and check analysis tolerances, consistent with recent revisions of ASTM Specifications. Section 178.57-16 has also been editorially corrected.

These amendments do not include the proposed change relating to boron tribromide. The Board has concluded that this proposal requires further study.

In consideration of the foregoing, 49 CFR Parts 172, 173, and 178 are amended as follows:

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

In § 172.5 paragraph (a), the Commodity List is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Corrosive liquid, n.o.s.	Cor. L.	173.244, 173.245, 173.245a	White	5 pints.
Add				
Ethyl chlorothiolformate. See Corrosive liquid n.o.s.				
Ethyl phosphonothiole dichloride, anhydrous. See Corrosive liquid, n.o.s.				
Ethyl phosphonous dichloride, anhydrous. See Corrosive liquid n.o.s.				
Ethyl phosphorodichloridate See Corrosive liquid, n.o.s.				
Methyl phosphonothiole dichloride, anhydrous See Corrosive liquid, n.o.s.				
Methyl phosphonous dichloride. See Corrosive liquid, n.o.s.				
Pentaerythrite tetranitrate, desensitized, wet. See High explosives.				

PART 173—SHIPPERS

(A) In Part 173 Table of Contents, § 173.245a is added to read as follows:

Sec.
173.245a Corrosive liquids n.o.s. shipped in bulk.

(B) In § 173.65(e), the introductory text and subparagraph (1) are amended; subparagraph (4) is added to read as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

* * * * *

(e) Ammonium picrate, cyclotrimethylenetrinitramine, pentaerythrite tetranitrate (desensitized), picric acid, trinitrobenzene, trinitrobenzoic acid, trinitroresorcinol, trinitrotoluene, or urea nitrate, when wet with not less than 10 pounds of water to each 90 pounds of

dry material must be shipped in packagings as follows:

(1) Specification 10B (§ 178.156 of this chapter) wooden barrel or keg. Not over 50 gallons nominal capacity. Not authorized for wet desensitized pentaerythrite tetranitrate.

* * * * *

(4) Specification 21C (§ 178.224 of this chapter). Fiber drum with an inside polyethylene bag having 0.004 inch minimum thickness and liquid-tight closure. Net weight not to exceed 200 pounds. Authorized only for wet desensitized pentaerythrite tetranitrate.

* * * * *

(C) In § 173.119, paragraphs (a) (12), (b) (8), (e) (2), and (f) (3) are amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *

(12) Specification 103,[1] 103W, 103ALW, 103DW, 104,[1] 104W, 105A100,[1] 105A100 ALW, 105A100W, 106A500X, 106A800 XNC, 106A800NCI,[1] 109A100ALW, 110A 500W, 111A60ALW, 111A60F1, 111A60W1, 111A100W3, 111A100W4, 111A100W6, 112A200W, 112A400F, 114A340W, ARA-III,[1] ARA-IV,[1] or ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.300, 179.301 of this chapter). Tank car. For a car equipped with an expansion dome, the manway closure must be so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner (see §§ 179.3, 179.4 of this chapter) (see § 173.432 for shipping instructions).

* * * * *

(b) * * *

(8) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpack with an inside specification 2S or 2SL (§§ 178.35, 178.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene result in container failure.

* * * * *

(e) * * *

(2) Specification 103,[1] 103W, 103ALW, 103DW, 104,[1] 104W, 105A100,[1] 105A100 ALW, 105A100W, 106A500X, 106A800 XNC, 106A800NCI,[1] 109A100ALW, 110A 500W, 111A60ALW, 111A60F1, 111A60W1, 111A100W3, 111A100W4, 111A100W6, 112A200W, 112A400F, 114A340W, ARA-III,[1] ARA-IV,[1] or ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.300, 179.301 of this chapter). Tank car. A car having an expansion dome must be equipped with a manway closure, identification marks, and dome placards as prescribed in paragraphs (f) (4), (g), (h), and (h) (1) of this section. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner (see §§ 179.3, 179.4 of this chapter) (see Note 1 of paragraph (f) (3) of this section).

* * * * *

[1] Use of existing tank cars authorized, but new construction not authorized.

(f) * * *

(3) Specification 105A100,[1] 105A100 ALW, 105A100W, 106A500X, 106A800 XNC, 106A800NCI,[1] 109A100ALW, 110A 500W, 111A100W4, 112A200W, 112A400F, 114A340W, ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.300, 179.301 of this chapter) (see Note 1). Tank car. Specification 104,[1] 104W, 111A100W3, or ARA-IV (§§ 179.200, 179.201 of this chapter) tank cars are authorized under the conditions prescribed in paragraphs (f) (4), (g), (h), and (h) (1) of this section and Note 3 of this subparagraph. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner (see §§ 179.3 and 179.4 of this chapter). Notes 1, 2, and 3 remain the same.

* * * * *

(D) Section 173.245a is added to read as follows:

§ 173.245a Corrosive liquids, n.o.s. shipped in bulk.

(a) Corrosive liquids, n.o.s., may not be shipped in bulk in tank cars, tank motor vehicles, or portable tanks except as follows:

Corrosive liquid	Authorized tank car	Authorized portable tank[3]
Ethyl chlorothiolformate.	----------	DOT-51, monel-clad.
Ethyl phosphonothioic dichloride, anhydrous.	103AW----------	DOT-51.
Ethyl phosphonous dichloride, anhydrous.	----------	DOT-51.
Ethyl phosphorodichloridate.	103ANW, 103AW, 111A100F2, 111A100W2.[2]	----------
Methyl phosphonothioic, dichloride, anhydrous.	103AW----------	DOT-51.
Methyl phosphonous dichloride.[1]	----------	DOT-51.

[1] In an unlined tank, must be loaded and shipped under a blanket of nonflammable, dry, inert gas, adequate to displace any significant amount of air.

[2] Specification 103ANW tank car tank must be solid nickel at least 95 percent pure; all cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent. Specification 103A tank car tank must be lead-lined steel or must be made of steel at least 10 percent nickel clad; specification 103AW, 111A100F2, or 111A100W2 tank must be lead-lined steel or made of steel with a minimum thickness of nickel cladding 1/16 inch; nickel cladding in tanks must have a minimum nickel content at least 99 percent pure nickel.

[3] Tank must be equipped with a safety-relief valve set at not less than 100 psig. In addition, the relief valve must comply with § 173.315(l)(1).

(E) In § 173.252, paragraph (e) is amended; paragraphs (a) (5) and (g) (3) are added to read as follows:

§ 173.252 Bromine.

(a) * * *

(5) Specification MC 310 or MC 312 (§ 178.343 of this chapter). Tank motor vehicle. The tank must have a shell and head thickness of three-eighths-inch minimum with cladding material on the inside surface comprising at least 20 percent of the total shell or head thickness. The cladding material must conform to requirements of ASTM Specification B-162-69. The composite plate must conform to requirements of ASTM Specification A-265-69. The water weight capacity of the tank must not exceed 10,200 pounds and the maximum quantity of liquid bromine loaded into the tank must not exceed 30,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

* * * * *

(e) Except as provided in paragraphs (g) (2) and (3) of this section, bottles or jugs must be securely cushioned on all sides with incombustible packaging material, such as whiting, mineral wool, infusorial earth (keiselguhr), sifted ashes, powdered china clay, or similar material, at least 1 inch thick, which will not produce heat when mixed with bromine. The use of hay, sawdust, excelsior, or other organic material, either treated or untreated, as a cushioning or packaging material is prohibited.

* * * * *

(g) * * *

(3) Specification 12A (§ 178.210 of this chapter). Fiberboard box with inside glass bottles having closures meeting the requirements of paragraph (d) of this section. Each bottle must be enclosed in a tinplate slipcover metal can surrounded by incombustible cushioning material. No box may contain any bottle of a capacity greater than 1 quart. Each box may contain not more than four bottles having a capacity not exceeding 1 quart, or 12 bottles having a capacity not exceeding 8 fluid ounces. The shipper must have established that the completed package closed for shipment, with inside bottles filled with a liquid of the same specific gravity and similar viscosity as bromine, is capable of withstanding the tests prescribed in § 178.210-10 of this chapter.

* * * * *

(F) In § 173.263(a), subparagraphs (10) and (27) are amended; (29) is added to read as follows:

§ 173.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solutions, inhibited, sodium chlorite solutions (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(10) Specfication MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Tank motor vehicle lined with rubber or equally acid-resistant material of equivalent strength and durability. An unlined specification MC 311 or MC 312 tank motor vehicle made from Type 304L or 316 stainless steel is authorized for sodium chlorite solutions not exceeding 42 percent sodium chlorite only.

* * * * *

(27) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board box with not more than six inside glass bottles or specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, not over 5 pints capacity each.

* * * * *

(29) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board box with not more than four specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, not over 1-gallon capacity each.

* * * * *

(G) Section 173.287 is amended to read as follows:

§ 173.287 Chromic acid solution.

(a) For the purposes of the regulations in this part, a chromic acid solution is a solution of chromic acid (chromium trioxide) in water, with or without other acids, containing 35 percent or more of chromic acid by weight. (For solutions containing less than 35 percent chromic acid, see paragraph (c) of this section.) Packagings authorized must be of a design and be constructed of materials that will not react dangerously with or be decomposed by the chemical solution packaged therein.

(b) Chromic acid solutions must be packaged in specification containers as follows:

(1) Specification 1A (§ 178.1 of this chapter). Glass carboy in a box.

(2) Specifications 5, 5A, 5B (§§ 178.80, 178.81, 178.82 of this chapter). Metal barrel or drum with openings not exceeding 2.3 inches in diameter. Authorized for solutions containing chromic acid only.

(3) Specification 17E (§ 178.116 of this chapter) steel drum. Authorized for solutions containing chromic acid only.

(4) Specification 12A or 12B (§§ 178.210, 178.205 of this chapter). Fiberboard box with one inside glass container not over 4 fluid ounces capacity, packed in a wax-lined cylindrical fiber carton with metal ends. The bottle closure must consist of a tightly secured, fitted, ground glass stopper. Space must remain between the bottle and the inner surface of the fiber cylinder and must be filled with closely packed asbestos in sufficient quantity to completely absorb the contents of the bottle in the event of breakage. Not authorized for solutions containing nitric acid.

(5) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board box with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint bottles may be packaged in one box. Each bottle must be well cushioned. Partitioning and cushioning must be provided to prevent bottles from shifting, or coming in contact with each other, the box wall, or the bottom. Each bottle closure must consist of a tightly secured, fitted, ground glass stopper, or a threaded-type, acid-resistant cap with a gasket or lining impervious to the acid, sufficiently resilient or cushioned to give an acidproof, leakproof closure.

(6) Specification 33A (§ 178.150 of this chapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packaged in one outside container. Each bottle closure must consist of a tightly secured, fitted, ground glass stopper, or a threaded-type, acid-resistant cap with a gasket or lining impervious to the acid, sufficiently resilient or cushioned to give an acidproof, leakproof closure.

(7) Specification 29 (§ 178.226 of this chapter). Mailing tube with glass bottles not over 1 ounce capacity each. Each bottle must be well cushioned. Partitioning and cushioning must be provided to prevent bottles from shifting or coming in contact with each other or the tube wall, bottom, or top.

(c) Solutions containing chromic acid in water in concentration not exceeding 35 percent by weight, with or without other acids, and which are not otherwise regulated by Subpart E of this part, must be described as "Corrosive liquids, n.o.s." In addition to the packaging and the limitations prescribed therefor in paragraph (b) of this section, solutions of this composition may also be packaged as follows:

(1) In packaging as prescribed in § 173.245, except (a) (4), (14), (15), (18), (19), and (24).

(2) Specification 21P (§ 178.225 of this chapter). Fiber drum overpack with inside specification 2S or 2SL (§§ 178.35, 178.35a of this chapter) polyethylene container.

(3) Specifications 5, 5A, 5B (§§ 178.80, 178.81, 178.82 of this chapter). Metal barrel or drum with openings not exceeding 2.3 inches in diameter. Authorized for solutions containing chromic acid only.

(4) Specification 17E (§ 178.116 of this chapter) steel drum. Authorized for solutions containing chromic acid only.

(H) In § 173.304, paragraph (e) (1) is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

* * * * *

(e) * * *

(1) Specifications 2P and 2Q (§§178.33, 178.33a of this chapter). Inside metal containers packed in a strong wooden or fiberboard box of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside Containers Comply With Prescribed Specification."

* * * * *

(I) In § 173.357, paragraph (b) (1) is amended; Note 1 thereto is canceled as follows:

§ 173.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

* * * * *

(b) * * *

(1) Specification 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.41 178.42, 178.49, 178.50, 178.51, 178.61, 178.52 of this chapter). Metal cylinder. Valves or other closing devices must be protected by screw-on metal caps, or by packaging the cylinders in boxes or crates, to protect the valves from damage during transportation. A cylinder closed by means of a solid plug may have the closure protected by a metal collar. Cylinders having a wall thickness of less than 0.08 inch must be packaged in boxes or crates. Each cylinder having a water capacity over 275 pounds must have a minimum design pressure of 225 p.s.i.g., unless the specification requires a higher minimum design pressure. [Note 1: Canceled]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

In § 178.57–11, paragraph (a) is amended; in § 178.57–16, paragraph (a) is amended; in § 178.57–21, paragraph (a), Table 1 and Note 1 are amended; footnotes 1 and 3 are canceled, footnote 2 is redesignated footnote 1 as follows:

§ 178.57 Specification 4L; welded cylinders insulated.

§ 178.57–11 Heat treatment.

Not permitted.

* * * * *

§ 178.57–16 Acceptable results for physical tests.

Physical properties must meet the limits specified in § 178.57–21(a), Table 1, for the particular steel in the annealed condition. The specimens must show at least 20 percent elongation for 2-inch gage length except that the percentage may be reduced numerically by 2 for each 7,500 pounds per square inch increment of tensile strength above 100,000 pounds per square inch to a maximum of 5 such increments. Yield strength and tensile strength must meet the requirements of § 178.57–21(a), Table 1.

* * * * *

§ 178.57–21 Authorized steels.

(a) Electric furnace steel of uniform quality. Chemical analysis must conform to ASTM A–240, Type 304 Stainless Steel. The following chemical analyses and physical properties are authorized:

TABLE 1—AUTHORIZED MATERIALS

Designation	*Chemical analysis, limits in percent, stainless steel; type 304*
Carbon[1]	0.03 maximum.
Manganese	2.00 maximum.
Phosphorus	0.045 maximum.
Sulphur	0.030 maximum.
Silicon	1.00 maximum.
Nickel	8.00–10.50.

TABLE 1—AUTHORIZED MATERIALS—Continued

Designation	Chemical analysis limits in percent, stainless steel; type 304
Chromium	18.00–20.00.
Molybdenum	
Titanium	
Columbium	
	Physical properties (annealed)
Tensile strength, p.s.i. (minimum)	75,000.
Yield strength, p.s.i. (minimum)	30,000.
Elongation in 2-inch (minimum) (percent)	30.0.
Elongation other permissible gage lengths (percent)	15.0.

[1] The carbon analysis must be reported to the nearest hundredth of 1 percent.

NOTE 1: A heat of steel made under the above specifications is acceptable, even though its check chemical analysis is slightly out of the specified range, if it is satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded except as approved by the Department.

CHECK ANALYSIS TOLERANCES

Elements	Limit or maximum of specified range, percent	Tolerance over the maximum limit or under the minimum limit
Carbon	To 0.030, inclusive	0.005
	Over 0.030 to 0.20, inclusive.	0.01
Manganese	To 1.00, inclusive	0.03
	Over 1.00 to 3.00, inclusive.	0.04
Phosphorus [1]	To 0.040, inclusive	0.005
	Over 0.040 to 0.20, inclusive.	0.010
Sulfur	To 0.040, inclusive	0.005
Silicon	To 1.00, inclusive	0.05
Chromium	Over 15.00 to 20.00, inclusive.	0.20
Nickel	Over 5.00 to 10.00, inclusive.	0.10
	Over 10.00 to 20.00, inclusive.	0.15

[1] Rephosphorized steels not subject to check analysis phosphorus.

This amendment is effective December 31, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

This amendment is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C. on October 29, 1971.

W. F. REA III,
Rear Admiral, Board Member for the U.S. Coast Guard.

MAE E. ROGERS,
Board Member for the Federal Railroad Administration.

ROBERT A. KAYE,
Board Member for the Federal Highway Administration.

JAMES F. RUDOLPH,
Board Member for the Federal Aviation Administration.

[FR Doc.71-16128 Filed 11-4-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Community Trusts and Effect of Restrictions and Conditions Upon Distributions of Net Assets

Proposed amendments to the regulations under sections 170(b) (1) (A) (vi) and 507(b) (1) (A) of the Internal Revenue Code of 1954, relating to community trusts and the effect of restrictions and conditions upon distributions of net assets, appeared in the FEDERAL REGISTER for October 8, 1971 (36 F.R. 19598).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, December 7, 1971, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a) (3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a) (3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by November 23, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by November 30, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-16287 Filed 11-4-71;9:28 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 780]

DEFINITION AND VERBATIM TRANSCRIPTS

Notice of Proposed Rule Making

Notice is hereby given that the Agricultural Stabilization and Conservation Service proposes to issue an amendment to the Appeal Regulations (Part 780).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed changes to the Director, Program Performance Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250. In order to be assured of consideration, all submissions must be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (8:15 a.m. to 4:45 p.m.).

The amendment would revise § 780.2 (d) to provide that in Hawaii, appeals under the Sugar program shall be handled by the State and county committees. Presently, this function is vested in the Executive Director of the Hawaii State ASCS Office.

The amendment would also revise § 780.8(d) to provide that State and county committees, as applicable, shall make the arrangements for the services of a stenographic reporter if the appellant requests that a verbatim transcript be made of the hearing.

It is proposed that the amendment to the regulations would read as follows:

1. Section 780.2(d) is revised to read as follows:

§ 780.2 *Definitions.*

* * * * *

(d) "State committee" shall have the meaning given to it under the regulations governing Reconstitution of Farms, Farm Allotments, and Bases, Part 719 of this chapter, as amended. In Puerto Rico and the Virgin Islands, the Director of the Caribbean Area ASCS Office shall, insofar as applicable, perform the functions of the State committee.

2. Section 780.8(d) is revised to read as follows:

§ 780.8 Nature of informal hearing.

* * * * *

(d) The reviewing authority shall have prepared a written record containing a clear, concise statement of the facts as asserted by the producer or participant and material facts found by the reviewing authority. The names of interested persons appearing at the hearing shall be included. Any documents presented in evidence should be identified. A verbatim transcript may be taken if (1) the producer or participant requests the reviewing authority prior to the time the hearing begins to provide for such transcript, and (2) agrees to pay the expense thereof, or (3) the reviewing authority feels that the nature of the case is such as to make such transcript desirable.

* * * * *

Signed at Washington, D.C., on November 1, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-16150 Filed 11-4-71;8:48 am]

Consumer and Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Expenses of Walnut Control Board and Rates of Assessment for 1971-72 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1971-72 marketing year. The year began August 1, 1971. The proposal is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on a recommendation of the Board.

The proposed expenses total $153,300; the proposed assessment rates are 10 cents per pound for inshell walnuts and 25 cents per pound for shelled walnuts. These rates will be applied to all merchantable walnuts handled or declared for handling during the 1971-72 marketing year. Such rates of assessment are expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the

publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.323 Expenses of the Walnut Control Board and rates of assessment for the 1971–73 marketing year.

(a) *Expenses.* Expenses in the amount of $153,300 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1971, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 10 cents per pound for merchantable inshell walnuts and 25 cents per pound for merchantable shelled walnuts.

Dated: November 2, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-16217 Filed 11-4-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 52]

GRANTS FOR RESEARCH PROJECTS

Family Planning and Population Research

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, and the Director, National Institutes of Health, with the approval of the Secretary of the Department of Health, Education, and Welfare, jointly propose to amend Part 52 of the Public Health Service regulations (42 CFR Part 52) governing the award of grants for research projects, as set forth below.

The proposed amendments would implement additional authority to make grants for research projects in population and family planning set forth in section 1004 of the Public Health Service Act (42 U.S.C. 300a–2), as added by the Family Planning Services and Pouulation Research Act of 1970 (Public Law 91–572). It is anticipated that the Health Services and Mental Health Administration will make grants under this authority for operational research grants in the area of program implementation and that the National Institutes of Health will make research grants in the biomedical and contraceptive development, and behavioral fields.

There are also several technical changes proposed. This Department no longer administers the research programs under the Clean Air Act (42 U.S.C. 1857b) and the Solid Waste Disposal Act (42 U.S.C. 3253), and the regulations would be amended to eliminate their applicability to these programs.

In addition, an inadvertent remaining reference to the "Surgeon General" is to be changed to the "Secretary", which term was substituted for that of Surgeon General elsewhere in these regulations on July 9, 1968 (33 F.R. 9821).

Written comment concerning the proposed amendments are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, Center for Population Research, Room 2A–50, Building 31, National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, Md. 20014. All comments received in response to this notice will be available for public inspection in the above named office on weekdays between the hours of 8:30 a.m. and 5 p.m. Consideration will be given to all relevant material received not later than 30 days after publictaion of this notice in the FEDERAL REGISTER in preparing the final version of the regulations.

It is therefore proposed to amend, as follows, Part 52 of the Public Health Service regulations.

Dated: September 17, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Dated: September 27, 1971.

ROBERT Q. MARSTON,
Director, National Institutes of Health.

Approved: November 1, 1971.

ELLIOT L. RICHARDSON,
Secretary.

1. Amend the issuing authority for Part 52 by deleting citations to the Clean Air Act and the Solid Waste Disposal Act, and by adding citation to the Family Planning Services and Population Research Act of 1970, as follows:

AUTHORITY: The provisions of this Part 52 issued under sections 215, 58 Stat. 690, as amended, 1006, 84 Stat. 1507; 42 U.S.C. 216, 300a–4. Sections 301, 58 Stat. 691, as amended, 303, 70 Stat. 929, as amended, 304, 81 Stat. 534, as amended, 396, 79 Stat. 1063, 1004, 84 Stat. 1507; 42 U.S.C. 241, 242a, 242b, 280b–6, 300a–2. Reorganization Plan No. 3 of 1966; 3 CFR 1966 Comp.; Reorganization Orders and Delegations of March 13, April 1, 1968 (33 F.R. 4894, 5426) and January 17, 1969 (34 F.R. 1279).

2. Amend § 52.10 by deleting the reference in paragraph (b) to the Clean Air Act, and by deleting paragraph (d) and substituting a new paragraph (d), as follows:

§ 52.10 Nature and purpose of research project grant.

* * * * *

(b) The causes, effects, extent, prevention and control of water pollution or air pollution as authorized by section 301 of the Public Health Service Act, as amended (42 U.S.C. 241);

* * * * *

(d) The biomedical, contraceptive development, behavioral and program implementation fields related to family planning and population, as authorized by section 1004 of the Public Health Service Act (42 U.S.C. 300a–2);

* * * * *

§ 52.33 [Amended]

3. Amend paragraph (c) of § 52.33 by deleting the term "Surgeon General" and substituting in lieu thereof the term "Secretary".

[FR Doc.71-16137 Filed 11-4-71;8:47 am]

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Test for Hepatitis Associated (Australia) Antigen

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service regulations by (1) adding two new sections which would require testing of donations of human blood, plasma, or serum for the presence of hepatitis associated (Australia) antigen and render ineligible as donors of human blood, plasma, or serum persons testing positive for such antigen; and (2) by amending § 73.601 to prescribe related package labeling requirements.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, MD 20014. All comments received in response to this notice are available for public inspection in the Office of the Assistant to the Director, Division of Biologics Standards, Room 122, Building 29, National Institutes of Health, weekdays during regular business hours. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Dated: November 1, 1971.

ROBERT Q. MARSTON,
Director, National Institutes of Health.

It is therefore proposed to amend Part 73 as follows:

1. Amend Subpart A of the table of contents by inserting in numerical sequence the following:

Sec.
73.755 Test for hepatitis associated (Australia) antigen.
73.756 History of hepatitis associated (Australia) antigen.

2. Amend § 73.601 by adding immediately after paragraph (r) a new paragraph (s) as follows:

§ 73.601 Package label.

* * * * *

(s) For injectable products prepared from human blood, plasma, or serum, indication that the product was prepared from blood that was tested for hepatitis associated (Australia) antigen, that it was nonreactive and the test method used.

3. Amend Subpart A by adding immediately after § 73.750, the following new sections:

§ 73.755 Test for hepatitis associated (Australia) antigen.

Each donation of human blood, plasma, or serum to be used in preparing a biological product shall be tested for the presence of hepatitis associated (Australia) antigen. Such test shall be performed on a sample of blood taken from the donor at the time of collecting the blood, plasma, or serum. Only hepatitis associated antibody (anti-Australia antigen) licensed under, or otherwise meeting the requirements of, the regulations of this part shall be used in performing such test, and the test method(s) used shall be that for which the antibody product is specifically designed to be effective, as recommended by the manufacturer in the package enclosure. The blood, plasma, or serum may not be further used in the manufacture of a biological product unless the test for hepatitis associated (Australia) antigen is nonreactive.

§ 73.756 History of hepatitis associated (Australia) antigen.

A person testing positive, or known to have previously tested positive, for hepatitis associated (Australia) antigen may not serve as a donor of human blood, plasma, or serum to be used in preparing any biological product, except that a person known to have previously tested positive for hepatitis associated (Australia) antigen may serve as a source of hepatitis associated antibody when such antibody is required for the manufacture of a licensed biological product provided such person meets the requirements of § 73.755 at the time of donation.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

[FR Doc.71-16212 Filed 11-4-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-NE-7]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Greenville, Maine, 700-foot transition area, amend the Millinocket, Maine, 1,200-foot transition area (36 F.R. 2232), and cancel the Bangor, Maine, 5,500-foot transition area (36 F.R. 2150). This action is necessary in order to provide airspace protection for IFR arrivals and departures at the Greenville Municipal Airport and Greenville Seaplane Base, Greenville, Maine. The cancellation of the Bangor, Maine, 5,500-foot transition area will accommodate the procedure turn airspace associated with the Greenville, Maine, standard instrument approach procedures and, additionally, will protect the transition from the Bangor VORTEC to the NDB at Greenville. There is no change to the Bangor, Maine, 700-foot and 1,200-foot transition areas which remain as published (36 F.R. 2150).

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirement for the terminal of Greenville, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Greenville, Maine, 700-foot transition area described as follows:

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of the center (45°27'47" N., 69°33'21" W.), Greenville Municipal Airport, Greenville, Maine, within 3.5 miles each side of a 212° bearing from the Greenville, Maine, NDB, extending from the 8.5-mile-radius area to a point 10 miles southwest of the Greenville NDB, within a 6.5-mile radius of the center (45°28'10" N., 69°36'00" W.), Greenville Seaplane Base, Greenville, Maine, within 3.5 miles each side of a 181° bearing from the Greenville NDB extending from the 6.5-mile-radius area to a point 9.5 miles south of the Greenville NDB.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the coordinates "45°23'00" N., 69°30'00" W." and insert the coordinates "45°15'00" N., 69°50'00" W., to 45°07'30" N., 69°50'00" W., to 45°07'30" N., 69°28'00" W., to 45°12'00" N., 69°23'00" W., in lieu thereof.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bangor, Maine, 5,500-foot transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 7(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on October 21, 1971.

W. E. CROSBY, Jr.,
Deputy Director,
New England Region.

[FR Doc.71-16171 Filed 11-4-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18877; RM-1589]

INCLUSION OF CODED INFORMATION IN TRANSMISSIONS OF RADIO AND TV STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations to permit the inclusion of coded information in the aural transmissions of radio and TV stations for the purpose of program identification; and possible regulations of the parties preparing or furnishing coded material for broadcast, Docket No. 18877, RM-1589.

1. This proceeding was begun by a further notice of proposed rule making (FCC 71-152) adopted February 10, 1971, released February 16, 1971, and published in the FEDERAL REGISTER February 20, 1971, 36 F.R. 3269. The dates for the submission of comments and reply comments are November 1, 1971, and December 1, 1971, respectively.

2. On October 27, 1971, the National Association of Broadcasters (NAB) filed

a request to extend the time for 45 days for the filing of comments. NAB states that both Audicom Corp. and International Digisonics Corp. submitted tests reports to the Commission on October 1, 1971, but NAB had not actually received copies until approximately 2 weeks later thereby leaving little time to study those reports in the depth necessary to allow preparations of meaningful comments by the current November 1, 1971, filing date. It further states that the 45-day extension would afford interested parties sufficient time for thorough review of the field test reports and the formulation of comments which would address themselves to the data contained in these reports.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of the National Association of Broadcasters is granted to and including December 15, 1971, for the filing of comments and January 14, 1972, for its filing of reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d) (8) of the Commission's rules and regulations.

Adopted: October 18, 1971.

Released: November 1, 1971.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-16207 Filed 11-4-71;8:50 am]

SELECTIVE SERVICE SYSTEM

Office of the Director

[32 CFR Part 1660]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to sections 6(j) and 13(b) of the Military Selective Service Act, as amended (50 App. U.S. Code, sections 451 et seq.) the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of chapter XVI of the Code of Federal Regulations. These regulations implement section 6(j) of the Military Selective Service Act, as amended (50 App. U.S. Code 456(j)).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1660—ALTERNATE SERVICE

Part 1660 *Alternate Service* is added to read as follows:

§ 1660.1 Responsibility for administration.

(a) The State director, under the supervision of the Director, will assure compliance with the law, the regulations, and Selective Service policy concerning the program of alternate service for registrants who have been classified in class 1-O.

(b) The State director of the State in which a registrant is registered will have primary responsibility for the initial placement of the registrant in alternate service. That State director will coordinate any job placement activities in any state outside his own with the State director of that State. In assigning a registrant outside his own State, the assigning State director must have the approval of the "receiving" State director or the Director of Selective Service.

(c) Alternate service to be performed outside the geographical area under the jurisdiction of a State director will be administered by the Director of Selective Service after the assignment to such work has been made by the State director.

§ 1660.2 Examination of registrants.

A registrant classified in class 1-O shall be ordered to report for Armed Forces examination in the same manner as any other registrant. If he fails to report for or submit to this examination, or if he is found to be qualified for service, he shall be ordered to the appropriate alternate service job when his Random Sequence Number is reached.

§ 1660.3 Volunteer for alternate service.

Only registrants classified in class 1-O may volunteer for alternate service in lieu of induction. Any registrant in class 1-O may submit SSS Form 151 (Application of Volunteer for Alternate Service) to his local board. If the volunteer wishes to propose jobs which he feels would be approved for his alternate service he will submit each job on an SSS Form 156 (Employer's Statement of Availability of a Job as Alternate Service) simultaneously with his completed SSS Form 151 (Application of Volunteer for Alternate Service). The State director will approve or disapprove the proposed jobs. If the registrant fails to locate a suitable job or if the jobs submitted on the SSS Form 156 (Employer's Statement of Availability of a Job as Alternate Service) are not approved, the State director will take no action until 60 days after the registrant would have begun processing in accordance with § 1660.4 had he not volunteered. After the 60 days the State director may order the registrant to an available job.

§ 1660.4 Selection of nonvolunteer for alternate service.

(a) A nonvolunteer will not be ordered to perform alternate service in lieu of induction before registrants with his RSN who are classified in class 1-A or 1-A-O are ordered for induction.

(b) When a registrant in the medical, dental, or allied specialist category is classified in class 1-O, he will be ordered to alternate service in lieu of induction at the time that he would have been called for induction if he were in class 1-A or 1-A-O.

(c) When the RSN of a registrant classified in class 1-O is reached ("reached" means the national cutoff number is equal to or higher than the registrant's RSN), the local board will send him SSS Form 155 (Selection for Alternate Service; Rights and Obligations of Conscientious Objectors in the Alternate Service Assignment Process), and retain a copy in the cover sheet of the registrant. SSS Form 152 (Conscientious Objectors Skills Questionnaire) and three copies of SSS Form 156 (Employer's Statement of Availability of a Job as Alternate Service) will also be sent to the registrant at this time.

(d) Mailing of the SSS Form 155 (Selection for Alternate Service; Rights and Obligations of Conscientious Objectors in the Alternate Service Assignment Process) by the local board is the effective beginning of processing for alternate service in lieu of induction for the affected registrant. If within 270 days after the registrant has exhausted his 60-day job search an alternate service job has not been obtained and the registrant has not been ordered to such job, he will be placed in a lower priority selection group. Delays in processing due to litigation instituted by the registrant, litigation pending against the registrant, or a postponement of processing for alternate service granted the registrant under § 1660.7 will not count toward the 270-day time period.

§ 1660.5 Eligible employers of registrants performing alternate service.

(a) Employment which may be considered to be appropriate as alternate service in lieu of induction into the Armed Forces by registrants who have been classified in class 1-O shall be limited to the following:

(1) Employment by the U.S. Government, or by a State, Territory, or possession of the United States or by a political subdivision thereof, or by the District of Columbia;

(2) Employment by a nonprofit organization, association, or corporation which is primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health or welfare, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association, or corporation, or for increasing the membership thereof; or

(3) Employment in an activity of an organization, association, or corporation which is either charitable in nature performed for the benefit of the general public or is for the improvement of the public health or welfare, including educational and scientific activities in support thereof, and when such activity or program is not for profit.

§ 1660.6 Eligible jobs for registrants performing alternate service.

(a) Five elements will be considered as a basis for determining whether a specific job is acceptable as alternate service for a registrant classified in class 1-O:

(1) *National health, safety or interest.* The job must fulfill specifications of the law and regulations.

(2) *Noninterference with the competitive labor market.* The registrant cannot be assigned to a job which is applied

for by other qualified people who are not registrants in class 1–O. This restriction does not prohibit the approval of special programs such as Peace Corps, VISTA, and Public Health Service for alternate service by registrants in class 1–O.

(3) *Compensation.* The compensation will provide a standard of living to the registrant reasonably comparable to the standard of living the same man would have enjoyed had he gone into the service.

(4) *Skill and talent utilization.* A registrant may utilize his special skills.

(5) *Job location.* A registrant will work outside his community of residence.

Subparagraphs (3), (4), and (5) of this paragraph are waiverable by the State director when such action is determined to be in the national interest and would speed the placement of registrants in alternate service.

§ 1660.7 Assigning alternate service.

(a) Processing of the registrant for assignment to alternate service will continue even though he fails to return SSS Form 152 (Conscientious Objectors Skills Questionnaire) within 15 days.

(b) The registrant will submit SSS Form(s) 156 (Employer's Statement of Availability of a Job as Alternate Service) to the State director, who will determine whether the work is acceptable. A letter from an employer may, at any time, substitute for such SSS Form 156. When a job is approved, the State director will direct he Executive Secretary or clerk, if so authorized, or a local board member of a registrant's local board to issue a work order, SSS Form 153 (Order to Report for Alternate Service). The State director will issue a domestic travel request and provide meals and accommodations for a registrant, upon his request, who has been ordered to alternate service, as would be done for a registrant ordered for induction. Any time the State director disapproves a job proposed on SSS Form 156 (Employer's Statement of Availability of a Job as Alternate Service) submitted by the registrant, he will inform the registrant of his decision within 10 days after the State director receives such form.

(c) At any time following 60 days after a registrant's SSS Form 155 (Selection for Alternate Service; Rights and Obligations of Conscientious Objectors in the Alternate Service Assignment Process) has been mailed, if the registrant has submitted no SSS Form 156 (Employer's Statement of Availability of a Job as Alternate Service) or if the submitted jobs have been disapproved, the State director may direct he Executive Secretary or clerk, if so authorized, or a local board member of a registrant's local board to order him to a job which the State director selects as the registrant's alternate service.

(d) A registrant classified in class 1–O may take a job anticipating that it might later be approved as alternate service. If such a job is approved, the registrant will be credited with having performed acceptable service, when in fact he has performed such service, from the date he started the job, or the date he was classified in class 1–O, whichever is later. No more than 24 months of service will be required. Time spent looking for an initial job is not creditable toward the 24 months of service.

(e) A registrant who prior to the lapse of the 60-day period established in paragraph (c) of this section finds a job (jobs), but whose job(s) is (are) not approved by his State director, may request that the State director's decision(s) be reviewed by the Director prior to his being mailed an SSS Form 153 (Order to Report for Alternate Service). The registrant's case will be considered by the Director on only one occasion prior to his initial assignment to alternate service. However, he may request a review of as many as three such adverse decisions on jobs in this one review. The Director will either approve a job proposed by the registrant or, if the 60 days have elapsed, authorize a mandatory work order. Decisions by the Director will be carried out by the appropriate State director and local boards and their employees.

(f) Any reason for granting a postponement for an induction order is sufficient for granting the postponement of processing for alternate service in lieu of induction.

§ 1660.8 Performance of alternate service.

Any registrant who knowingly fails or neglects to obey an order from his local board to perform alternate service contributing to the maintenance of the national health, safety, or interest in lieu of induction or who constructively fails or neglects to obey such order by his failure to comply with reasonable requirements of an employer shall be deemed to have knowingly failed or neglected to perform a duty required of him under the Military Selective Service Act. The registrant shall have failed to meet the standards or failed to perform satisfactorily if he did not meet the standards of performance demanded by the employer of his other employees in similar jobs.

§ 1660.9 Administration of alternate service.

(a) Whenever a registrant is refused employment by an employer who had previously agreed to hire him, whenever the registrant refuses employment, whenever a registrant's employment is terminated, or whenever he leaves his job, the State director administering the registrant's case will consider the circumstances surrounding the refusal, termination, or departure to determine whether the registrant had failed to perform his job or to conduct himself satisfactorily.

(b) Whenever the State director has reason to believe that a registrant refused or constructively refused employment, or was relieved for cause or left his job unjustifiably he will conduct an investigation which will include the following steps: Obtain a statement from the former employer describing the circumstances; send such statement to the registrant; obtain a statement from the registrant in his defense, if he wishes to make one; and compile any other evidence he feels is relevant. He will then determine whether the termination was for cause or whether the departure was unjustifiable. If he determines that the registrant's departure was without justification he will report the registrant for prosecution.

(c) If the State director finds no failure of the registrant to perform satisfactorily he will order the registrant to another job as quickly as possible. If the registrant complies with the order to report to the new job, the intervening time between jobs will not constitute a break in the required period of alternate service.

(d) The State director may reassign and reorder a working registrant at any time that he determines the original job ceases to be acceptable as alternate service as defined in § 1660.6. Such determination shall be reviewed by the Director upon the request of the registrant. The Director will either authorize the registrant to remain on his job or validate the reassignment.

§ 1660.10 Release from alternate service.

The State director of the State in which a registrant is working or the Director, when the registrant is not under the supervision of a State director, may release a registrant prior to his completion of 24 months of service upon a determination of a hardship, medical, or other bona fide basis for such early release. If the registrant is working outside the State in which he is registered, the decision should be made in consultation with the State director of the State in which the registrant is registered. When such a release takes place prior to completion of 6 months of alternate service, the State director of the State in which the registrant is registered may direct a reopening of the registrant's classification by the local board.

§ 1660.11 Completion of alternate service.

(a) After a registrant has completed his alternate service obligation, the State director will return (through another State director if necessary) the registrant's selective service file to the appropriate local board.

(b) When the local board receives the registrant's selective service file, it shall inform the registrant that he has satisfactorily completed his alternate service. He shall be classified in class 4–W.

§ 1660.12 Information concerning alternate service.

A registrant who is outside the area of his local board may seek information relative to any aspect of processing for alternate service from the local board or State director of his new place of residence. The assisting State director or local board will not assume the responsibility of the State director or local board of jurisdiction.

CURTIS W. TARR,
Director.

NOVEMBER 2, 1971.

[FR Doc.71-16220 Filed 11-4-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

BLUE RIDGE PARKWAY, VA.

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Blue Ridge Parkway, proposes to issue a concession permit to Homer Harris authorizing him to provide concession facilities and services for the public at Mabry Mill on the Blue Ridge Parkway for the period from September 17, 1971, through December 31, 1971.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, VA 24008, for information as to the requirements of the proposed permit.

GRANVILLE B. LILES,
Superintendent,
Blue Ridge Parkway.

AUGUST 2, 1971.

[FR Doc.71-16189 Filed 11-4-71;8:47 am]

NATIONAL CAPITAL PARKS

Notice of Intention To Negotiate a Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Government Services, Inc., authorizing it to provide concession facilities and services for the public within National Capital Parks, and to provide other needed facilities and services in such other areas as may be designated by the Secretary, for a period of twenty (20) years from January 1, 1972, through December 31, 1991.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

OCTOBER 20, 1971.

[FR Doc.71-16190 Filed 11-4-71;8:47 am]

Office of the Secretary

DIRECTOR, OFFICE OF OIL AND GAS

Delegation of Authority

On October 22, 1971, the Secretary of the Interior signed Departmental Manual Release No. 1349 merging the Oil Import Administration into the Office of Oil and Gas; revoking a delegation of authority to the Administrator, Oil Import Administration, which had been published at 28 F.R. 14318; and approving in its place a delegation of authority to the Director, Office of Oil and Gas, which is set forth below. The numbering is that of the Departmental Manual.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

NOVEMBER 1, 1971.

Delegation of Authority

Part 211—Other Departmental Offices

Chapter 5—Director, Office of Oil and Gas

1. *General Authority.* The Director, Office of Oil and Gas, Department of the Interior, is empowered to exercise, pursuant to the regulations published in 32A CFR Chapter X, all the authority conferred upon the Secretary by Proclamation 3279 as amended, and the Director may redelegate such authority.

[FR Doc.71-16191 Filed 11-4-71;8:48 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF LIQUEFIED NATURAL GAS (LNG) VESSELS

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign costs of the construction of Liquefied Natural Gas (LNG) vessels pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on November 30, 1971, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Dated: November 1, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-16221 Filed 11-4-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Closing Date and Priorities

Notice is hereby given with respect to the following matters relating to the administration of the Educational Broadcasting Facilities Program, established by part IV of title III of the Communications Act of 1934, as amended (47 U.S.C. 390). Regulations with respect to this program appear as Part 60 of 45 CFR.

Pursuant to 45 CFR 60.12, the Commissioner of Education is authorized to establish and announce cutoff dates for the filing of applications for assistance under the Act for the construction of noncommercial educational television and radio facilities when he deems it necessary for the efficient administration of the program. Under this authority, the Commissioner has determined that it is necessary to establish a cutoff date for the receipt of such applications for fiscal year 1972 funds.

Accordingly, both new applications and documents required to be filed to reactivate pending applications must be received by the Commissioner of Education, Office of Education, 400 Maryland Avenue SW., Washington, DC, postmarked no later than December 4, 1971.

To reactivate any pending application, an applicant must either: (1) Submit a statement that it wishes the application to be reviewed as it stands, together with any new exhibits not included in the original application and required by application form OE-4152 revised as of

October 1970; or (2) amend its application, including any new exhibits required by such revised form (47 U.S.C. 392(a); 45 CFR 60.5).

At present, there is a backlog in excess of 100 applications requesting a total amount of Federal assistance substantially in excess of the amount of funds which has been appropriated for noncommercial educational broadcasting facilities grants for fiscal year 1972. Accordingly, with a view to promoting equitable distribution of Federal grants and otherwise promoting the efficient administration of the program, the following policies and procedures will be observed for the current fiscal year:

1. Only one application in radio and one in television by any single applicant in a single State (other than a State radio or television agency which may be permitted to file additional applications upon approval of the Commissioner) will be accepted for filing. Applicants may by the closing date withdraw a pending application and replace it with a new application. Applicants with more than one application on file must indicate by the closing date which application or applications are to be withdrawn (47 U.S.C. 392(d), 394; 45 CFR 60.12).

2. Applicants whose projects require filing for operational authority with the FCC (and the FAA) are urged to recognize and resolve problems related to such authorization as soon as possible. Applications with problems relating to FAA and/or FCC approval which cannot be resolved within a reasonable period of time following December 4, 1971, will be subject to deferral until the following fiscal year (45 CFR 60.6).

3. Applicants who have received grant awards in a given fiscal year may file applications under the foregoing provisions in the next fiscal year. However, in determining grant awards among competitive applications having the same priority, the lapse of time between grant awards to an applicant may be taken into account (47 U.S.C. 392(d), 394).

4. In order to provide adequately for required expansion and improvement of individual stations within the national television system, it is anticipated that the largest portion of television funds will be used for expansion and improvement projects. In radio, the initial funding emphasis will be on the activation of new stations and the expansion of existing low powered stations where substantial audiences remain unserved. In the light of this program emphasis, applications will be considered in accordance with the priorities set forth in Appendix A (47 U.S.C. 392(d), 394; 45 CFR 60.12(a)(2), 60.13).

5. In order to allow for evaluation and priority interrelaton of new applications with those which are pending, at least two-thirds (67 percent) of the appropriation will not be obligated until after the submission deadline.

6. Applicants will be required to prepare a project summary of the application, summarizing essential data and the project justification (47 U.S.C. 392(a); 45 CFR 60.5).

7. Only complete or substantially complete applications filed on or before the closing date will be accepted for filing. It is emphasized that an application must contain information with respect to the proposed operating budget of the applicant, since particular stress in evaluation will be placed upon the adequacy of such budget to provide program services on a scale consistent with the purposes of the Act and regulations (47 U.S.C. 392(a); 45 CFR 60.5, 60.9(e)(3)).

Further information with respect to the Educational Broadcasting Facilities Program including program bulletins and application forms and instructions (for pending as well as for new applications) may be obtained from the Director, Educational Broadcasting Facilities Program, Division of Educational Technology, Bureau of Libraries and Educational Technology, U.S. Office of Education, 400 Maryland Avenue SW., Washington DC 20202.

This notice is given without opportunity for interested persons to submit comments thereon based upon the Commissioner's finding that such opportunity is impracticable in view of the time pressures which dictate publication of a final rule at this time. Such finding is premised on the following reasons:

(1) It is not possible to publish a general notice of proposed rule making to be followed by a 30-day comment period and still afford present and prospective applicants sufficient time for preparation and/or revision of applications between publication of a final rule and the closing date of December 4, 1971; and

(2) It is not feasible to delay the closing date in view of the large number of applications already received and anticipated, the complexities of the application review and grant award processes, and the availability of staff resources.

Effective date. Priorities and procedures prescribed in this notice shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: October 26, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Approved: November 2, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

A. PROJECT PRIORITIES

On March 29, 1971, the U.S. Commissioner of Education announced his Fiscal Year 1972 objectives. These include:

(1) Education of the disadvantaged.

(2) Innovation and pluralism in education.

(3) Elimination of racial, ethnic, and cultural barriers to educational opportunities.

(4) Career education development.

(5) Education of the handicapped.

In evaluation of applications the Educational Broadcasting Facilities Program will consider (in addition to the criteria in 45 CFR 60.13) the degree to which projects have the potential of helping achieve these objectives, especially in the area of service to the disadvantaged. Subject to the foregoing, projects will be funded in the order of the priorities and subpriorities listed below except as provided in the limitations described in paragraph 3 of section B of this appendix.

PRIORITY I

A. Proposals to activate new stations in areas currently without a public broadcasting station with appropriate local or State license, to serve populations of 500,000 or more. Proposals to activate the first broadcasting station in a State.

B. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend station coverage where the in-State population to be served increases substantially, or which are necessary to provide improved signal (including color, SCA, or stereo signals) for larger population groupings, and provide comparability with commercial station coverage.

C. Projects to provide stations with first state-of-the-art reproduction capability. This refers to color capability of a videotape recorder and film chain, stereo capability of an audio turntable and tape recorder and other associated radio or television apparatus.

D. Projects to acquire apparatus for the interconnection of stations in a State network (or a particular geographical region across State lines) where applicant ownership of interconnection facilities can be fully justified as advantageous in comparison with leasing of interconnection services.

PRIORITY II

A. Proposals to activate new stations in areas currently without a public broadcasting station under appropriate local or State license, to serve populations between 250,000 and 500,000.

B. Projects to provide local stations with first state-of-the-art "live" production capability (i.e., first studio color cameras, stereo apparatus) where this need can be justified by proven production requirements to meet identified community needs.

C. Projects to provide production capability for stations providing program services beyond their local requirements for distribution over national, regional, and statewide interconnection. (To qualify in this category, a project justification must be verified by production commitment from recognized national, regional, or State network program clients supporting such production need, the applicant must demonstrate the inability of presently owned apparatus to meet production requirements, and the apparatus requested may not exceed the reasonable requirements of the verified production commitments).

D. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend or improve station coverage where the increase in population does not justify inclusion in Category IB.

PRIORITY III

A. Projects to activate new stations in areas currently without a public broadcasting station under appropriate local or State license where population to be served is less than 250,000.

B. Projects to augment production and reproduction capabilities of local stations beyond the basic or initial capability. Such proposals will require documentation of local live production requirements in excess of existing capability.

PRIORITY IV

A. Projects to activate second (or more) public broadcasting stations in areas already served by such a station under appropriate local or State license.

B. Projects to equip auxiliary studios at other than the main studio.

(Since the existing backlog of applications with higher priorities exceeds the available funds, it is not likely that Priority IV projects can be funded in fiscal year 1972.) (47 U.S.C. 392(d), 394; 45 CFR 60.12.)

B. ASSIGNMENT OF PRIORITIES TO APPLICATIONS

1. Upon receipt of application (or amendment to a pending application), it will be accorded the priority of the lowest component in the project.

For example, an application to relocate a new, more powerful transmitter which increases audience by 300,000 (Priority I–B); which includes the station's first color cameras (Priority II–B); and also requests matching funds for third and fourth color VTR's (Priority III–B) would be assigned a priority of III–B.

2. To avoid low priority rating, applicants should limit their requests to apparatus to meet their most immediate needs at the priority level which in their judgment will qualify within limitations of available funds in relation to the national backlog of needs for equipment.

If an applicant feels it is warranted by his evaluation of the national appropriation, the other demands to be made from within his State, the State maximum limitation, and his awareness of the national backlog of needs, he may file an application with components of lower priorities, provided he indicates clearly the financial parameters of each component and states clearly a willingness to "phase" the project. In that event, the applicant must be prepared to accept a grant award for whatever portion, if any, of the project which the Commissioner determines can be accommodated within funding limitations for the current fiscal year. (In such an application, using the above example, EBFP would rank the application at Priority IB, for the transmitter component, and would fund components of lower priority only if relative priority among applications competing in such lower category would make such a step possible.)

3. To the extent permitted by categorical allowances, projects will be funded in the order of listed priorities.

Proportions of total available funds to be awarded in the various priority categories will be determined, with the counsel of national advisors, after the total requests are known following the cutoff date for submission of applications. It will be an administrative objective to achieve a fair distribution of funds over the major priority categories consistent with the pattern of needs reflected in the fiscal year 1972 applications.

4. Where projects have identical priorities, preference will be given to those having the earlier date of filing, with reasonable allowance for the relative population groupings being served.

5. The order of funding according to the priority structure may be affected by consideration of geographical equity or the State maximum limitation (47 U.S.C. 392 (b) and (d), 394).

[FR Doc.71-16250 Filed 11-4-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-127]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Housing Management

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 F.R. 16105, October 14, 1970, amended at 35 F.R. 17964, November 21, 1970, is amended in the following respects:

(1) Section A, paragraph 8c, is amended by adding a new subparagraph iii to read as follows:

iii. Approval of the use of force account for modernization programs.

(2) Section E is amended by adding new paragraphs q and r to read as follows:

q. To approve the End of Initial Operating Period.

r. To waive the provisions of the annual contributions contract with respect to the following:

i. Employment of a former local housing authority Commissioner.

ii. Frequency of reexamination of tenants to permit a local housing authority to change its established reexamination schedule.

iii. Approval of the use of force account for modernization programs.

(Secretary's delegation of authority, 36 F.R. 5005, March 16, 1971)

Effective date. This amendment to the redelegation of authority is effective July 1, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.71-16203 Filed 11-4-71;8:49 am]

[Docket No. D-71-128]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority

Authority redelegated. Each Regional Administrator; Deputy Regional Administrator; Assistant Regional Administrator for Housing Management, Region VIII (Denver); Area Director; Deputy Area Director; Director, Housing Management Division; Director, Insuring Office; Deputy Director, Insuring Office; and Chief, Mortgages and Properties Division is authorized to approve the plan of management pursuant to the Secretary's authority over methods of operation under the National Housing Act (12 U.S.C. 1701).

(Secretary's delegation of authority, 36 F.R. 5005, March 16, 1971, effective March 8, 1971)

Effective date. This amendment to the redelegation of authority is effective as of August 1, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.71-16204 Filed 11-4-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-400, 50-401, 50-402, 50-403]

CAROLINA POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Carolina Power & Light Co., 336 Fayetteville Street, Raleigh, NC 27602, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed an application on September 7, 1971, for authorization to construct and operate four pressurized water nuclear reactors designated as Shearon Harris Nuclear Power Plant, units 1, 2, 3, and 4, on the applicant's site in Wake and Chatham Counties, N.C.

The site is located on approximately 18,000 acres of land in the southwest corner of Wake County, and the southeast corner of Chatham County, N.C. The city of Raleigh, N.C., is approximately 20 miles northeast of the site, and Sanford, N.C., is about 10 miles southwest. The applicant will construct a dam on Buckhorn Creek about 1 mile north of its confluence with the Cape Fear River. This dam will create a 10,000 acre reservoir which will be used for cooling water requirements for the plant. The nuclear units will be located on a peninsula on the northwest shore of the reservoir about 3½ miles north of the main dam.

Each of the four units will be designed for an initial power output of 2,785 megawatts thermal, with an equivalent net electrical output of approximately 900 megawatts electrical.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after October 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and a copy has been sent to Mr. H. William O'Shea, Director, Wake County Public Libraries, 104 Fayetteville Street, Raleigh, NC 27601.

Dated at Bethesda, Md., this 29th day of September 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-14552 Filed 10-21-71;8:45 am]

[Docket No. 40-8102]

HUMBLE OIL & REFINING CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a copy of a report

entitled "Applicant's Environmental Report—Highland Uranium Mill" submitted by the Humble Oil & Refining Co. and dated July 1971, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. A copy of the report is also being placed for public inspection in the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo. 82001 and in the Converse County Library, Douglas, Wyo. 82633. The report involves the application by Humble Oil & Refining Co. for an AEC license to authorize uranium milling activities in Converse County, Wyo. Comments on the report may be submitted by interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

A supplemental report to include information required by the Commission's revised regulation implementing the National Environmental Policy Act of 1969, Appendix D of 10 CFR Part 50, is expected to be submitted by Humble Oil & Refining Co. Notice of availability of the supplemental report will be published in the FEDERAL REGISTER.

After the reports have been reviewed by the Commission's regulatory staff, a draft detailed statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the Applicant's Environmental Reports and the draft detailed statement. The summary notice will request, within seventy-five (75) days or such longer period as the Commission may determine to be practicable, comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of October 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-16202 Filed 11-4-71;8:49 am]

[Docket No. 40-8084]

RIO ALGOM CORP.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a copy of a report entitled "Applicant's Environmental Report—Operating License Stage for Uranium Concentrator" submitted by the Rio Algom Corp. and received by the Atomic Energy Commission on August 31, 1971, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. A copy of the report is also being placed for public inspection in the Utah State Clearinghouse, Utah State Planning Coordinator, State Capitol Building, Salt Lake City, Utah 84114 and in the San Juan County Library, Monticello, Utah 84535. The report involves the application by Rio Algom Corp. for an AEC license to authorize uranium milling activities in San Juan County, Utah. Comments on the report may be submitted by interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

A supplemental report to include information required by the Commission's revised regulation implementing the National Environmental Policy Act of 1969, Appendix D of 10 CFR Part 50, is expected to be submitted by Rio Algom Corp. Notice of availability of the supplemental report will be published in the FEDERAL REGISTER.

After the reports have been reviewed by the Commission's regulatory staff, a draft detailed statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the Applicant's Environmental Reports and the draft detailed statement. The summary notice will request, within seventy-five (75) days or such longer period as the Commission may determine to be practicable, comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of October 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-16179 Filed 11-4-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23314]

NIPPON EXPRESS U.S.A., INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 18, 1971, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., November 1, 1971.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[FR Doc.71-16218 Filed 11-4-71;8:50 am]

[Docket No. 23593]

EXPRESS COMPANY, INC.

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on December 13, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on September 22, 1971, the Supplemental Prehearing Conference Report served on October 8, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 2, 1971.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[FR Doc.71-16219 Filed 11-4-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-1127]

PACIFIC BROADCASTING CO.

Declaratory Ruling

In the matter of Cecil (Cec) Heftel, president, Pacific Broadcasting Co., Honolulu and Hilo, Hawaii; request for declaratory ruling concerning broadcast appearances by candidates for public office.

1. The Commission has before it a request for declaratory ruling filed by Pacific Broadcasting Co. (Pacific) on June 28, 1971. Pacific, licensee of stations KGMB-TV, Honolulu, and KPUA-TV, Hilo, Hawaii, seeks a ruling that a plan it has devised for making time available to candidates for public office in the 1972 election campaigns is in accord with section 315 of the Communications Act of 1934, as amended, 47 U.S.C. section 315, and the licensee's general responsibilities to operate in the public interest. The essence of the plan is to provide specified amounts of free time to candidates in certain races in lieu of the sale of any time in such races. Time would be provided free in both the primary and general elections. Some program segments would be made available for appearances by the candidate or a spokesman and other time periods would be available for use either for questions by independent newsmen or for debates with questions also posed by newsmen. These latter time periods would be lost by any candidate who did not accept the station's proposed format. One-minute spot announcement time would also be available without charge for the candidate or a designated spokesman "to speak to the issues in the

campaign or to the qualifications of the candidate."

2. The proposal before us is supported by way of background by a statement by Cecil Heftel, president of the licensee, explaining that his concern with the high cost of political campaigning, and particularly the significant portion of that cost accounted for by television, led him to seek a way in which qualified candidates without great financial backing could bring their campaigns to the public. In the absence of remedial legislation in this area, the first step for him as a broadcaster appeared to be to work within the restrictions of section 315 of the Act to make time available to candidates without charge as a public service, and it was in this spirit that the proposal was formulated. The pleading further details both the significance and high cost of television in present day political campaigns, and the consequent reliance of candidates upon large campaign contributors who may have special interests to advance. We need not further set forth these details here; they have for some time been a matter of deep public concern, see e.g., "Voters' Time, Report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era" (1969), and various legislative remedies have been under active consideration. We do note, however, that the Pacific proposal is directed not merely at the financial problem but also at Pacific's concern that television can be used—through programs and spot announcements—to persuade the public without enlightening it concerning the merits of the candidate or the issues. An "essential ingredient" of the Pacific plan "is to insure that political broadcasting on its stations is conducted on a level which will serve—not deceive—the public." Pacific believes that its plan fully accords with the public interest,[1] but recognizes that it is not clearly free from pitfalls under section 315 and accordingly seeks a Commission ruling.

3. In 1972 the voters of Hawaii will elect candidates to all offices except Governor, the U.S. Senate, the State Senate and the city council of the city and county of Honolulu. In addition, they will of course vote for candidates for President and Vice President of the United States. There will be both primary (not presidential) and general elections. The local campaigns, therefore, are: U.S. House of Representatives, State House of Representatives, mayors of four counties, and the county councils of three counties. No television time will be sold for the two congressional races, the mayor of the county (and city) of Honolulu, and the mayor of Hawaii County.[2] Free time will be made available on the appropriate Pacific station for these four offices on the following basis: During the 6 weeks prior to the October 7, 1972 primary, each race will receive 30 half-hour segments (eight in evening hours, 14 between 11 p.m. and 8 a.m., and eight between 8 a.m. and 6 p.m.), 15 of which would be allocated for use by the candidates or their spokesmen "to speak on behalf of their candidacies or to the issues in the campaigns," and 15 of which are for "either participation in a question and answer period with independent newsmen selected jointly by the candidates and Pacific or for debates between or among opposing candidates with questions also posed by a panel of independent newsmen selected jointly by the candidates and Pacific." [Footnote omitted.][3] In addition, a total of 224 1-minute spot announcements would be made available in various time periods. Pacific has allocated times which appear to it to be adequate, but it cannot of course predict the number of candidates and it expects to be flexible if more time is required.

4. Between the date of the primary and the general election on November 7, 1972 (a period of about 4 weeks), time will be made available free for the same offices upon the same conditions in the following amounts for each race: Six half-hour segments in the evening, 10 half-hour segments between 11 p.m. and 8 a.m., and six such segments between 8 a.m. and 6 p.m., in addition to 149 1-minute spot announcements spread over similar periods of the day.

5. Pacific further states that it will give extensive coverage to important State campaigns through its regular news programs, including news interviews and news documentaries. It would also give free time to candidates in any particularly significant and newsworthy campaigns. With respect to the presidential and vice presidential races, Pacific states that no political broadcasts were ordered for Hawaii in 1968, either on a network or local basis, and that the voters were informed through the news media rather than through political advertising. It expects to carry any political programs and announcements which it receives from the network (these are apparently on a 1-week delayed basis); in addition, if any presidential candidate or supporter of a candidate desires to purchase time, Pacific will give to that candidate and the opposing candidate reasonable amounts of free time subject to the limitations outlined.[4]

6. Pacific recognizes that its proposal may be thought to work to the disadvantage of lesser-known candidates, but believes this is more desirable than permitting an election to be won on the basis of financial resources. It has concluded that its proposal will provide "sufficient exposure of the candidates and their views that the voters will be able to judge the relative merits of the competing candidates irrespective of their comparative degrees of recognition by the public at the outset of the campaign." Pacific requests a specific ruling that the plan is in conformity with Commission policies (including section 315 of the Act) and will provide to a much greater extent than is presently possible extensive, fair, and free exposure of candidates seeking public office.[5] We agree that Pacific has taken a highly commendable approach to the solution of a most pressing problem. Whether the precise amounts of time allocated for the candidates' free use are adequate is a matter within the licensee's informed discretion, and Pacific recognizes that it is not possible to make a definitive commitment without knowledge of the number of candidates and the nature of any particular campaign. Therefore, we see no occasion at this time to make any judgment on that aspect of its proposal.[6] The question presented by the request for a ruling is the conformity of the proposal with section 315 of the Act, for Pacific does intend to place certain restrictions on the use of the time which, however well intentioned, raise serious questions.

7. Thus, one-half of the program segments are for appearances by the candidates or their spokesmen "to speak on behalf of their candidacies or to the issues in the campaigns," and the other segments are for use in formats involving questioning by independent newsmen and, perhaps, debates. Other persons would not be permitted to appear. These restrictions on the use of time by a candidate[7] are said to be premised on the view that every candidate is entitled to substantial blocks of free time to advocate his candidacy to the public. We can accept this premise, but it does not follow that the proposed restrictions are in conformity with the statute. Section 315(a) provides that the "licensee shall have no power of censorship over the material broadcast under the provisions of this section." This has been held to mean that the candidate must have "the freedom to use facilities as he sees fit," that is, "the basic objective of section 315 [is] to permit a

[1] Pacific also believes that its proposal may be adaptable by other broadcasters to fit their local situations and campaigns.

[2] The licensee has advised us orally that time will be sold for the other local offices.

[3] An unopposed candidate in a primary would receive time proportionate to that made available to competing primary candidates.

[4] The purport of this last provision is not entirely clear. However, we need not further consider it in the context of this decision.

[5] Pacific estimates the amount of time allocated to be worth $134,633 contrasting with $124,417 spent on its television facilities in 1970 and $140,579 spent in the 1968 campaign.

[6] While the Commission has stated that reasonable attention to significant political campaigns is an element of the public interest to be served by a licensee, the statute of course does not require the sale of time to any candidate, and Pacific's proposal, to the extent that it involves a decision not to sell time for four races, does not raise a problem.

[7] While the proposal contemplates that the candidate may use a spokesman for the segments not involving questions and answers with newsmen, it is not clear whether a spokesman may also be used in the other segments. We assume not, since there would be little point in such a presentation and the pleading states that the candidates need not make use of these question and answer periods if they do not wish to do so, i.e., they then lose the time.

candidate to present himself to the electorate in a manner wholly unfettered by licensee judgment as to the propriety or content of that presentation." Gray Communications Systems, Inc., 19 FCC 2d 532, 534–535 (1969). In that case, the Commission found a "use" under section 315 although substantial portions of the program were occupied by those other than the candidate and it ruled that the station could not reject the broadcast because of such appearances by other persons. See also, Socialist Labor Party, 40 FCC 241 (1952), holding that the licensee could not require a candidate to relate his broadcasts to the office for which election was sought. While, as Pacific notes, the Gray ruling "focused on the noncensorship aspects of section 315," it is precisely those aspects which are pertinent here. It is not relevant that the licensee may be offering equal opportunities in the sense of putting the same restrictions upon all candidates. Thus, in letter to Senate Committee on Commerce, 40 FCC 357 (1962), where a station offered the opposing candidates free time on a series of joint interview programs, stating that if only one candidate accepted the invitation the full half-hour would be devoted to him, the Commission ruled that the proposed series would fully comply with all requirements of section 315 if all candidates were in agreement as to the format, but that a candidate who did not accept the offer would be entitled to full equal opportunity rights. The Commission stated that the attempt to impose an interview format would constitute prohibited censorship.[8] Although the Commission found that proposal to be a substantial and commendable effort to comply with the licensee's public interest obligations, it could not, under section 315, approve the licensee's terms. It stated (40 FCC at 359):

> In short, it is our view that a licensee should consult with the candidate and reach agreement if possible. If complete agreement cannot be effected with all candidates, the licensee may implement his plans as to candidates who have agreed thereto and, as to any who have not agreed, make available, upon request, opportunities comparable to those accorded his opponents in the program, in accordance with the literal language of section 315.

8. Therefore, while Pacific states that time is not being offered on a take-it-or-leave-it basis, it is our understanding of its proposal that a candidate who does not accept the question and answer format proposed for half of the program segments will indeed lose that time, and we believe the precedents cited above preclude this approach. Similar censorship problems are also presented by the restrictions on context proposed for the other program segments and the spot announcements,[9] and we find them to be similarly in conflict with section 315. This is not to say that we are unsympathetic to Pacific's attempt to insure that the public will be informed rather than used. However, in view of the basic purpose of section 315 to assure the candidate an opportunity to use broadcast facilities unfettered by licensee judgments as to the manner of use, Farmers Union v. WDAY, 360 U.S. 525 (1959), a purpose which serves important public interest values, we see no basis for a departure from our past holdings. We note in this connection an expressed willingness by Pacific to modify its proposal in the event that we do not find it to be in conformity with section 315. We express the hope that it will see fit to do so, in view of the value to candidates and the public of free time for political discussion.[9]

Adopted: October 28, 1971.

Released: November 1, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-16209 Filed 11-4-71;8:50 am]

[8] This decision and the others cited in the text must be considered as overruling letter to Bob Wilson, 40 FCC 300 (1958), to the extent that decision holds that a licensee requiring a candidate to accept a debate format is in compliance with section 315.

[9] Pacific also asks us to rule that a half-hour or 5-minute program presentation does not give rise to an obligation on the part of the broadcaster to make spot announcement time available to another candidate. We decline to issue a ruling absent the facts of a particular case. We have stated that matters such as these "can be only resolved by good faith negotiations between the parties," and that "determination of equal opportunities must be governed by a rule of reason." See In re Complaint by Bella S. Abzug, 25 FCC 2d 117, 120–121 (1970). In the Abzug case, the complaining candidate sought a ruling that section 315 would require a station to give her forty-five 1-minute spot announcements per day to balance a single 45-minute daily appearance on the station by the other candidate. We found that in such a situation "it would be unreasonable for a licensee to be required to afford an opposing candidate only short time segments such as 60-second announcements when the first use consisted of program length segments."

[10] Commissioner Johnson concurring and issuing a statement, filed as part of the original; Commissioner Reid not participating.

[FCC 71-1128]

KSTP–TV, ST. PAUL, MINN., ET AL.

Memorandum Opinion and Order Regarding "Prime Time Access Rule"

In the matter of requests by individual stations for waiver of § 73.658(k), the "Prime Time Access Rule" (KSTP–TV, St. Paul, Minn., WLKY–TV, Louisville, Ky., and KTHV, Litle Rock, Ark.).

1. The Commission here considers three requests by individual television stations in the "top 50" markets for waiver of § 73.658(k) of the Commission's rules, the "prime time access" rule, which, starting October 1, 1971, in general limits stations in these markets to the presentation of no more than 3 hours of network programing during "prime time" each evening. "Prime time" is defined as 7 to 11 p.m., local time, in all time zones except central, and 6 to 10 p.m., c.t., in the central time zone. The request of KSTP–TV, St. Paul-Minneapolis, is a petition for reconsideration of its request which was denied in a Commission action of October 6, 1971; KTHV, Little Rock, likewise seeks reconsideration of denial although its request is somewhat modified and reduced from that denied earlier; and the request of WLKY–TV, Louisville, is essentially a new one, an earlier request having been denied but also (about the same time) rendered moot by the unavailability of the network program involved.[1]

2. It should be noted that all three of the requests now before us involve only requests for waiver which will leave the stations within the maximum-time permitted per week under the rule (21 hours), and essentially are to permit stations to "make up" network programs which are not carried at their times of origination so that nonnetwork material may be presented. Also, each is for waiver only to the extent of 30 minutes one night a week, or less. It is also to be noted that two of the three stations are in the Central time zone, where the hours designated as "prime time" are different from those in the eastern and pacific zones, 6–10 instead of 7–11. KSTP–TV in particular strongly urges this point, since it and other central zone stations, if they wish to present an hour of network and local news each evening (as most stations do at least on weekdays) must present part of it during prime time unless they wish to start their evening news at 5 p.m. (which very few stations do). With regular network prime-time programing beginning at 7 p.m., c.t., five nights a week and 6:30 on Tuesdays and Sundays, this leaves relatively little time early in the evening for local material, and less flexibility.

3. *The KSTP–TV request.* KSTP–TV, now as earlier, requests waiver to permit it to carry 3½ hours of NBC programs in prime time on Tuesdays, the extra half-hour being "The D.A." program, originating on the network at 7 p.m., c.t. on Fridays. KSTP–TV wishes to delay this in order to present an hour-long National Geographic syndicated program from 6:30 to 7:30 Fridays, the only way an hour-long period of prime time can be cleared of both news and network

[1] "Petition for Immediate Reconsideration" filed Oct. 14, 1971, by Hubbard Broadcasting, Inc. (KSTP–TV); "Petition for Waiver" filed Oct. 14, 1971, by WLKY–TV, Inc. (WLKY–TV); letter "Request for Reconsideration Waiver Prime Time Access Rule Decision" filed Oct. 18, 1971, by Arkansas Television Co. (KTHV).

The KSTP–TV and KTHV requests were denied by Commission memorandum opinion and order adopted Oct. 6, 1971, FCC 71–1039. The WLKY–TV earlier request was denied in a memorandum opinion and order adopted Oct. 14, 1971, released Oct. 19, 1971, FCC 71–1074.

material during the week unless network programs are actually dropped. Friday 9:30–10, c.t., might be available, but is to be occupied by a local entertainment program three Fridays a month and a local public affairs program on the fourth. As to the former, it is stated that this will be taped on Tuesdays at a local nightclub and cannot for technical reasons be presented live, cannot be taped on Mondays for Tuesday broadcast because Monday is "opening night" for many nightclub acts with attendant problems, and cannot be presented any other night except Friday because there is no other 9:30 p.m. availability. The public affairs program on the fourth Friday cannot well be presented on Tuesday because another station is presenting similar material at that time. KSTP–TV asserts the value of the programing which the proposed arrangement will make possible (particularly the fourth Friday, when NBC presents 2 hours of public affairs), and asserts that this is the purpose of the request, not avoidance of the rule or assumption that it means only "21 hours a week" rather than 3 hours a day. The station presents all other NBC prime-time material (20½ hours weekly) at its time of origination, and thus seeks readjustment so that it will present 3½ hours on Sundays (as NBC affiliates generally are permitted to do), 3½ hours on Tuesdays under this waiver, and only 2 hours on Friday (7:30–9:30) and 3 hours on the other nights.

4. *The new WLKY–TV request.* WLKY–TV's earlier request, which was denied and anyhow had been rendered moot by the unavailability of the ABC program, was simply to present an extra hour of ABC programs on Sundays so as to clear Wednesdays for a local movie. The present request is for only two Sundays, October 31 and November 7, 1971, to present a half-hour each night of ABC programing regularly carried on Fridays. WLKY–TV wishes to preempt numerous ABC programs on two Friday nights, October 22 and 29, to carry the Kentucky Colonels ABA professional basketball games. A total of 3½ hours of ABC programs will not be cleared on these evenings, of which the station wishes to make up only 1 hour, from 7 to 7:30 on the two Sundays mentioned.[2] In support of its request, WLKY–TV makes the same general arguments set forth earlier, including the need to present something different from its VHF competitors. Thus, it emphasizes the importance to it of being able to carry the Kentucky Colonels "away" games (18 games during 1971–72) asserting that this activity—the only Kentucky major league sports team—is of great appeal in the area and brings it substantial revenues and audience share. At the same time, it asserts the importance to the public of its being able to carry as much ABC programing as possible. It is also pointed out that in general the station only carries 19 hours a week of ABC material in prime time, and in the weeks involved here it will be less even if the waiver is granted. WLKY–TV also calls attention to the statement in the "Prime Time Access Rule" decision of May 1970 (Docket 12782) that the Commission would follow developments under the rule and take remedial action if necessary. It is said that this is the case here.

5. *The KTHV request.* The request of station KTHV, Little Rock, which is before us now, as well as part of its earlier request which was denied, are designed to clear an hour from 6:30 to 7:30 c.t., on Saturdays, for an hour-long syndicated program, by delaying the CBS program "All in the Family" (Saturday 7–7:30, c.t.) to another evening. The earlier proposal was to broadcast it regularly on Wednesdays, which would involve 3½ hours of CBS programing that evening; the present request is to present it on Thursdays. On three Thursdays of the month, CBS presents a movie that evening, which KTHV does not carry, so that no waiver is required. However, on the fourth Thursday, CBS presents public affairs programs which KTHV wishes to present, making waiver necessary to the extent of a half-hour on one Thursday of the month. This would be compensated by presentation of only 2½ hours of CBS on Saturdays and, anyhow, KTHV carries less than the maximum permissible weekly amount because of the movie preemption. KTHV also in the alternative renews its original request, which included both the arrangement mentioned above and a proposal to carry 15 minutes of network news as well as 3 hours of CBS entertainment programing on Sundays. It strongly urges, in support of both, that Little Rock is only marginally in the top 50 markets, has not been so included in the past and probably will not be so in the next ARB ranking (it is now tied for 50th with Wilkes-Barre-Scranton, Pa.).

CONCLUSIONS

6. Upon further and careful consideration of these matters, we believe that all three of the requests (in the case of KTHV, its new request[3]) should be granted, for the 1971–72 season (through October 1, 1972). We do not believe that in these situations literal adherence to § 73.658(k) should be required, rather than the alternative arrangements which have been proposed. We have previously stated that the fact that a proposal would still leave the station within a 21-hour weekly figure does not mean that it should be accepted as sufficient, and we are still definitely of that view. But, in addition, we note that all of these requests are for only 30 minutes on 1 night a week (and in two cases less). Therefore, it does not appear that permitting these arrangements would significantly impinge on the availability of prime time for nonnetwork material on all or most evenings of the week. It appears that in the case of KSTP–TV, at least, denial of waiver could render difficult the presentation of desirable nonnetwork programing; and the same may be true in the other two cases, as to which fewer details are given. We also take into account the fact that two of the three stations are in the Central zone and thus are very limited in flexibility with respect to the arrangement of evening programing, as noted in paragraph 2, above. This is not true of WLKY–TV, Louisville, but in that case the request is so limited—two occasions—that under the circumstances adherence to the letter of the rule does not appear warranted as a requirement. It is emphasized that this decision is limited to the facts of these cases.

7. In view of the foregoing: *It is ordered,* That waiver of the provisions of § 73.658(k) is granted to Stations KSTP–TV, St. Paul, Minn., KTHV, Little Rock, Ark., and WLKY–TV, Louisville, Ky., to permit them to carry up to 3 hours 30 minutes of network programing during prime time, as follows:

(a) KSTP–TV, on Tuesdays during the period through September 26, 1972;

(b) KTHV, on one Thursday of every month (generally the fourth Thursday) through September 1972; and

(c) WLKY–TV, on Sunday, October 31 and Sunday, November 7, 1971.

Adopted: October 28, 1971.

Released: November 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-16210 Filed 11-4-71;8:50 am]

[2] As originally filed, the request was for Sunday, Oct. 24, as well as the two following Sundays (a half hour each Sunday). However, when it was pointed out that it would be difficult to get Commission consideration before Oct. 24, the request was modified to Oct. 31 and Nov. 7 only.

[3] We do not consider grant of the original KTHV request, even though it is again urged. The part designed to clear Saturday evening has presumably been mooted by the new programing arrangement worked out, involving Thursday rather than Wednesday; and the part concerning carriage of network news in prime time on Sundays we do not believe warrants further consideration, in light of our earlier decisions denying a blanket request by CBS to the same effect, as well as another individual request.

[4] Commissioner Bartley dissenting and issuing a statement in which Commissioner H. Rex Lee joins, filed as part of the original; Commissioner Johnson dissenting.

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic and Gulf Freight Conference, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-ku, Tokyo 104, Japan.

Agreement No. 3103-45 reflects a request from Japan-Atlantic and Gulf Freight Conference to modify Articles 19(c) and 21 of their basic agreement, permitting the Conference to employ a Vice Chairman who can act in the absence of the Chairman and to delete references to certain offices which are no longer necessary.

Dated: November 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-16200 Filed 11-4-71;8:48 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James E. Mazure, Chairman, Trans-Pacific Freight Conference of Japan, Second Floor, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-ku, Tokyo 104, Japan.

Agreement No. 150-51 reflects a request from Trans-Pacific Freight Conference of Japan to modify Articles 19(e) and 21 of their basic agreement, permitting the Conference to employ a Vice Chairman who can act in the absence of the Chairman and to delete references to certain offices which are no longer necessary.

Dated: November 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-16201 Filed 11-4-71;8:49 am]

FEDERAL RESERVE SYSTEM

BANKS OF IOWA, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Banks of Iowa, Inc., Cedar Rapids, Iowa, for approval of acquisition of 80 percent or more of the voting shares of Valley Bank and Trust Co., Des Moines, Iowa.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Banks of Iowa, Inc., Cedar Rapids, Iowa, a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Valley Bank and Trust Co., Des Moines, Iowa (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Iowa Department of Banking and requested its views and recommendation. The Superintendent of Banking of the State of Iowa recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 17, 1971 (36 F.R. 13299), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a multibank holding company with deposits of approximately $205 million, representing 3.1 percent of the total commercial bank deposits in the State, and is the fourth largest banking organization in Iowa. The inclusion of applicant's affiliated bank in Cedar Rapids would increase applicant's combined deposits to 3.3 percent of total commercial bank deposits in the State. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through September 30, 1971.) Applicant's acquisition of Valley Bank, with deposits of close to $51 million, would increase applicant's share of deposits in the State by 0.8 percentage points.

Valley Bank operates one office and a parking lot branch, located in the city of Des Moines, Iowa, and primarily serves the Des Moines metropolitan area. Applicant states that Bank essentially confines its business to serving the commercial and industrial segments of the community and does not actively solicit consumer deposits and loans. As an independent bank with smaller lending capabilities than its principal competitors, Bank, it appears, has not been able to compete effectively with the larger banks. Valley Bank is the fifth largest banking organization and the fourth largest of 20 banks in the Des Moines SMSA with 5.4 percent of total market deposits. The three largest banking organizations in Des Moines are subsidiaries of the State's first, second, and fifth largest bank holding companies, respectively controlling 32.3, 24.1, and 14.6 percent of deposits in the market.

Applicant has recently received Board approval to acquire Union Bank and Trust Co., which upon consummation would become applicant's subsidiary located closest to Valley Bank, approximately 87 miles southeast of Des Moines. It appears that no significant competition exists between Valley Bank and any of applicant's subsidiaries. On the facts of record, notably, the distances involved, the large number of banks in the intervening areas, and the State's restrictive branching law, there appears to be little likelihood that such competition would develop in the future. The fact that its principal officers have either reached or or are reaching retirement age and that adequate management continuity presents a problem suggest that it is unlikely that Bank would form a holding company.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. Applicant plans to have Bank offer a more sophisticated array of commercial and industrial services. In addition, applicant intends to expand Bank's consumer services to include solicitation of consumer and savings deposit accounts, and to make available greater amounts of funds for residential real estate mortgage loans and consumer installment credit. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application.

Considerations relating to financial and managerial resource and prospects as they relate to applicant, its subsidiaries and Bank, are regarded as satisfactory, except that Bank has not provided adequate successor management for its key officers who are advanced in years. Applicant's capabilities for finding competent and experienced officers for Bank as needed lend some weight in favor of approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] October 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16180 Filed 11-4-71;8:46 am]

PAN AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Pan American Bancshares, Inc., Miami, Fla., for approval of acquisition of at least 80 percent of the voting shares of Citizens Bank and Trust Co. in Sarasota, Sarasota, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Pan American Bancshares, Inc., Miami, Fla. (Applicant), for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Citizens Bank and Trust Co. in Sarasota, Sarasota, Fla. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 17, 1971 (36 F.R. 15690) providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has six subsidiary banks which control $248.9 million in deposits, representing 1.8 percent of total deposits in the State. Upon acquisition of Bank (deposits $29.4 million) and the acquisition of Pan American Bank of Miami Beach approved by the Board today, Applicant would control eight subsidiary banks with aggregate deposits of $278.3 million. (All banking data are as of December 31, 1970, adjusted to reflect holding company acquisitions and formations to date.) Bank, which is the next to the smallest of five banking organizations in the Sarasota banking market, is located approximately 220 miles from Applicant's closest subsidiary bank and there is no existing competition between it and any of Applicant's other subsidiary banks. Based upon the facts of record, consummation of the proposal would have no adverse effects on potential competition and would not have any adverse effects on any competing bank. In fact, consummation of the proposal would have a procompetitive effect by enabling Bank to compete more effectively with the larger banking groups in the county.

There is no evidence that significant banking needs of the community are going unserved, however, consummation of the proposal would facilitate Bank's ability to participate larger loans and make available to its customers the international banking facilities of Applicant's lead bank. Considerations relating to the convenience and needs of the communities to be served thus lend some weight toward approval. Applicant proposes to strengthen Bank's management significantly and considerations relating to the banking factors, therefore, lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] October 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16181 Filed 11-4-71;8:47 am]

PAN AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Pan American Bancshares, Inc., Miami, Fla., for approval of acquisition of at least 80 percent of the voting shares of Pan American Bank of Miami Beach, Miami Beach, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Pan American Bancshares, Inc., Miami, Fla., for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Pan American Bank of Miami Beach, Miami Beach, Fla., a proposed new bank (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 17, 1971 (36 F.R. 15690), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant controls seven subsidiary banks with aggregate deposits of $278.3 million, representing 2 percent of bank deposits in Florida. (Banking data are as of December 31, 1970, and reflect holding company formations and acquisitions to date, including the acquisition of Citizens Bank of Sarasota, also approved by the Board today.) Approval of the acquisition of Bank would not increase the

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel and Sherrill. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Maisel.

percentage of deposits controlled by applicant since Bank, as stated above, is a proposed new bank.

All of applicant's existing subsidiaries are located within 25 miles of Bank, and the closest, applicant's lead bank, Pan American Bank of Miami, is only 6 miles from Bank. However, the intervening area is heavily populated and contains several highly competitive banks, and applicant does not dominate the area. Consummation of the proposal would eliminate no existing competition nor have any adverse effects on any competing banks.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are regarded as satisfactory. Bank's location in a shopping center-apartment complex will provide a convenient source of banking services; considerations relating to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, *And provided further,* That (c) Pan American Bank of Miami Beach shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] October 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16182 Filed 11-4-71;8:47 am]

PATAGONIA CORP.

Proposed Acquisition of Model Finance Co.

Patagonia Corp., Tucson, Ariz., a bank holding company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(a)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Model Finance Co., Phoenix, Ariz., which owns all of the outstanding shares of Model Finance Co. of Phoenix, Model Finance Co. of E. Van Buren, Model Finance Co. of Camelback, and Model Finance Co. of W. Phoenix, all in Phoenix; Model Finance Co. of Albuquerque and Advance Loan Co. of Albuquerque, both in Albuquerque, N. Mex.; Advance Loan Co. and Advance Loan Co. of Las Vegas, both in Las Vegas, Nev.; Scottsdale Finance Co., Scottsdale, Ariz.; Model Finance Co. of Tucson, Tucson, Ariz.; Advance Loan Co. of Denver, Denver, Colo.; Model Finance Co. of Mesa, Mesa, Ariz.; and Model Finance Co. of Glendale, Glendale, Ariz. Notice of the application was published in newspapers and circulated in:

Denver, Colo.	The Rocky Mountain News.	Aug. 18, 1971
Phoenix, Ariz.	The Arizona Republic.	Aug. 10, 1971
Tucson, Ariz.	The Daily Reporter.	Aug. 18, 1971
Albuquerque, N. Mex.	The Albuquerque Journal.	Aug. 10, 1971
Do.	The Albuquerque Tribune.	Aug. 10, 1971
Las Vegas, Nev.	Las Vegas Review-Journal.	Aug. 15, 1971

The proposed subsidiary would engage, through its subsidiaries, in the activities of making consumer loans and selling credit-related insurance to customers of the subsidiaries. Such activities have been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 29, 1971.

Board of Governors of the Federal Reserve System, October 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16183 Filed 11-4-71;8:47 am]

SECURITY CORP.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Security Corp., Duncan, Okla., for approval of action to become a bank holding company through the acquisition of 89.75 percent of the voting shares of The Security National Bank and Trust Company of Duncan, Duncan, Okla.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Security Corp., Duncan, Okla., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 89.75 percent of the voting shares of The Security National Bank and Trust Company of Duncan, Duncan, Okla. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 3, 1971 (36 F.R. 14285), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a newly organized corporation formed for the purpose of acquiring Bank as a subsidiary. Bank ($38 million in deposits), is the largest of seven banks operating in the Stephens banking market, which is approximated by Stephens County. Bank controls 47.1 percent of the commercial bank deposits in that market. (Banking data are as of December 31, 1970.)

The proposal is part of a plan by which the Halliburton Employees Benefit Fund, an organization that became a bank holding company as a result of the 1970 amendments to the Bank Holding Company Act, plans to divest its interest in Bank. As applicant has no present operations or subsidiaries, consummation of the proposal herein would neither alter existing banking competition nor is it likely to have an adverse effect on potential competition or on other banks in the market.

Applicant's management has been drawn primarily from directors and officers of Bank. The financial and managerial resources and prospects of Bank are considered to be good. It is noted that the purchase of Bank is proposed to be effected in part through a loan. On a number of occasions, the Board has expressed concern with acquisition debt. In the circumstances of this proposal, notably applicant's plans for an early and significant reduction of the debt through

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Maisel.

the sale to the public of an issue of common stock and applicant's resources for servicing its debt without impairing Bank's financial condition, the Board concludes that the loan involved does not require denial of this application. Although consummation of the proposal would not have any immediate effects on the convenience and needs of the community, the expansion of bank-related services in the future may be facilitated by the operational structure of a holding company, and applicant apparently has future plans for such expansion. Considerations related to these factors are regarded as consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] October 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-16184 Filed 11-4-71;8:47 am]

TARIFF COMMISSION

[TEA-W-119]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of workers of Dave Aronoff Shoes, Inc., Los Angeles, Calif., the U.S. Tariff Commission on October 29, 1971, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with women's and misses' footwear of the type produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of the firm.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: November 2, 1971.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-16199 Filed 11-4-71;8:48 am]

[1] Voting for this action: Governors Mitchell, Daane, Brimmer and Sherrill. Absent and not voting: Chairman Burns and Governors Robertson and Maisel.

NATIONAL CREDIT UNION ADMINISTRATION

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Applicability of Regulations

Notice is hereby given that the Administrator, National Credit Union Administration, has received the permission of the Civil Service Commission to adopt the provisions of 5 CFR Part 735. These regulations have been approved by the Civil Service Commission and are hereby made applicable to the employees of the National Credit Union Administration as of November 10, 1971.

This notice is published pursuant to the authority conferred in 5 CFR 735.104(f)(2).

HERMAN NICKERSON, Jr.,
Administrator.

NOVEMBER 1, 1971.

[FR Doc.71-16194 Filed 11-4-71;8:48 am]

DEPARTMENT OF LABOR

Employment Standards Administration

FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Minimum Wages

Modification to area wage determination decisions for specified localities in California, Iowa, Kentucky, Michigan, Ohio, Texas, and Utah.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-378, AM-385, AM-393, AM-404, AM-405, AM-406, AM-407, AM-408, AM-409, AM-410, AM-411, AM-413, AM-414, AM-415	Aug. 18, 1971
AM-478	Aug. 20, 1971
AM-2454, AM-3555	Aug. 25, 1971
AM-2508	Aug. 27, 1971
AM-2525, AM-2527	Sept. 3, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 29th day of October 1971.

HORACE E. MENASCO,
Administrator,
Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,525—36 F.R. 17708, the 46 northern California counties are all those located north of Kern and San Luis Obispo Counties and west of Inyo and Mono Counties, Calif. Modification No. 3						
ADD:						
Marble setters	$7.50	$0.60	$0.51	$0.53		
CHANGE:						
Laborers:						
Bridge; brush loaders and piler; cleanup; dumpman; general; landscape; limbers toolroom attendant	5.185	.50	.80	.50	$0.01	
Asphalt shovelers; cement dumper; chipper; choker setter and rigger; chucktender; concrete; guinea chaser; high pressure nozzleman—hydraulic monitor; nipper; pneumatic-gas-electric tool operator (not otherwise classified); sloper; loading, unloading, handling materials for reinforcing concrete construction	5.235	.50	.80	.50	.01	
Aligners; asphalt ironers and rakers; bucker; buggymobile; chainsaw; compactors; concrete saw and pan work; cribber and/or shoring; curb setter; form raiser; faller; headerboard man; post hole digger (air-gas-electric); jackhammer; kettleman; log loader; magnesite and mastic workers; pavement breaker pipelayer; pipewrapper; power broom sweeper; riprap stonepaver and rockslinger; rotary scarifier; roto-tiller; sandblaster; barko, wackers and similar type tampers; tank cleaners; tree climber; vibrator; vibra-screed bull float	5.435	.50	.80	.50	.01	
Burning and welding	5.485	.50	.80	.50	.01	
Pipelayers; caulkers; banders (Contra Costa County only)	5.635	.50	.80	.50	.01	
Blasters; drills (diamond-wagon); high scaler; powderman; tree topper	5.66	.50	.80	.50	.01	
Laborers on general construction work on or in bell hole footings, and shaft	5.185	.50	.80	.50	.01	
Gunite laborers:						
Nozzleman; rodman; gunman; groundman	5.835	.50	.80	.50	.01	
Reboundman	5.365	.50	.80	.50	.01	
WD No. AM-2,527—36 F.R. 17752, 11 southern California counties: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif. Modification No. 4						
Inyo County						
CHANGE:						
Plasterers	7.07	.30	.35	.50	.01	
ADD:						
Lathers	6.73	.35	.65	.50		
Kern County						
CHANGE:						
Lathers	6.73	.35	.65	.50		
Plasterers	7.07	.30	.35	.50	.01	
Mono County						
CHANGE:						
Plasterers	7.07	.30	.35	.50	.01	
Santa Barbara County						
CHANGE:						
Electricians (Vandenberg Air Force Base):						
Electricians	9.33	.42	1%+.45		.03	
Cable splicers	10.33	.42	1%+.45		.03	
Electricians (Remainder of county):						
Electricians	8.04	.42	1%+.45		.03	
Cable splicers	9.08	.42	1%+.45		.03	
WD No. AM-2,454—36 F.R. 16816, Polk County (Des Moines), Iowa. Modification No. 1						
CHANGE:						
Laborers:						
General laborers	5.01	.275	$0.275			
Mortar mixers; motor buggies, when pouring concrete; power tool operators (air tools, concrete vibrator, gunite, nozzlemen, electric drills, and hammers)	6.01	.275	.275			
Plasterers' tenders	6.035	.275	.275			
Powdermen	6.00	.275	.275			
Air tool, power tampers and other similar self-powered tools weighing 50 lbs. and over	6.11	.275	.275			
All tunnel work	6.16	.275	.275			
Paving breakers weighing 50 lbs. and over	6.21	.275	.275			
WD No. AM-478—36 F.R. 16427, Boyd County, Ky. Modification No. 1						
CHANGE:						
Cementmasons	7.83					
Plasterers	7.83					
Sheet metal workers	8.13	.36	.30		.04	
WD No. AM-378—36 F.R. 15800, Chippewa and Mackinac Counties, Mich. Modification No. 2						
CHANGE:						
Roofers	6.00		.20	.40		
Sheet metal workers	7.55	.28	.30		.02	
ADD:						
Carpenters—heavy	6.30	.30	.30		.01	
Piledrivermen—heavy	6.30	.30	.30		.01	
WD No. AM-385—36 F.R. 15833, Kalamazoo County, Mich. Modification No. 2						
CHANGE:						
Painters:						
Spray	7.23	.20	.20			
Mechanical pressure collar	7.23	.20	.20			
Piledrivermen (marine construction)	7.05	.35	.40		.01	
ADD:						
Carpenters—heavy	6.55	.30	.30		.01	
WD No. AM-393—36 F.R. 15872, Washtenaw County, Mich. Modification No. 4						
CHANGE:						
Carpenters	8.19	.35	.20		.01	
Painters	8.17	.43	.20			
Spray	8.02	.43	.20			
Scaffold 15 ft. to 35 ft	8.07	.43	.20			
Scaffold over 35 ft	9.17	.43	.20			
Steeplejack	10.17	.43	.20			
ADD:						
Carpenters—heavy	6.06	.30	.30		.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-404—S6 F.R. 15897, Butler County, Ohio. Modification No. 2						
CHANGE:						
Soft floor layers (northeast corner of county)	$7.70	$0.30	$0.40		$0.025	
OMIT:						
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.38	.55		.05	
ADD:						
Power equipment operators heavy and highway construction:						
Trench machines (24 in. wide and under)	6.51	.23	.55		.05	
WD No. AM-405—S6 F.R. 15902, Clark County, Ohio. Modification No. 2						
OMIT:						
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.38	.55		.05	
ADD:						
Power equipment operators heavy and highway construction:						
Trench machines (24 in. wide and under)	6.51	.23	.55		.05	
WD No. AM-406—S6 F.R. 15906, Cuyahoga County, Ohio. Modification No. 2						
CHANGE:						
Glaziers	8.36	.25	.30		.01	
Linemen	9.66	.15	1%			
WD No. AM-407—S6 F.R. 15911, Franklin and Pickaway Counties, Ohio. Modification No. 2						
CHANGE:						
Asbestos workers	9.27	.25	$0.10		.03	
Linemen—Franklin County, and the remainder of Pickaway County	9.06		1%		¼ of 1%	
OMIT:						
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.38	$0.55		$0.50	
ADD:						
Power equipment operators heavy and highway construction:						
Trench machines (24 in. wide and under)	6.51	.23	.55		.05	
WD No. AM-408—S6 F.R. 15915, Green and Montgomery Counties, Ohio. Modification No. 2						
OMIT:						
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.38	.55		.05	
ADD:						
Power equipment operators heavy and highway construction:						
Trench machines (24 in. wide and under)	6.51	.23	.55		.05	
WD No. AM-409—S6 F.R. 15920, Hamilton County, Ohio. Modification No. 2.						
OMIT:						
Electricians and linemen—from Hamilton County Courthouse, Cincinnati:						
Up to and including 18 miles radius	8.65	.15	1%+.15		½ of 1%	
18 miles to and including 21 miles	8.95	.15	1%+.15		½ of 1%	
21 miles up to and including 25 miles	9.05	.15	1%+.15		½ of 1%	
Over 25 miles	9.20	.15	1%+.15		½ of 1%	
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.38	$0.55		$0.05	
Footnote:						
d. Per year, per employee.						
ADD:						
Linemen	8.15	.15	1%+.15		1/10 of 1%	
Electricians	8.35	.30	1%+.30		¼ of 1%	
Power equipment operators heavy and highway construction:						
Trench machines (24 in. wide and under)	6.51	.23	$0.55		$0.05	
CHANGE:						
Roofers	7.51		.30			
Resilient floor layers	7.70	.30	.40		.025	
WD No. AM-410—S6 F.R. 15925, Licking County, Ohio. Modification No. 2						
CHANGE:						
Asbestos workers	9.27	.25	.10		.03	
OMIT:						
Power equipment operators heavy and highway:						
Trench machines (25 in. wide and under)	6.51	.38	.55		.05	
ADD:						
Power equipment operators heavy and highway:						
Trench machines (24 in. wide and under)	6.51	.23	.55		.05	
WD No. AM-411—S6 F.R. 15929, Lucas County, Ohio. Modification No. 4						
OMIT:						
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.38	.55		.05	
ADD:						
Power equipment operators heavy and highway construction:						
Trench machines (24 in. wide and under)	6.51	.23	.55		.05	
WD No. AM-413—S6 F.R. 15933, Muskingum County, Ohio. Modification No. 3						
CHANGE:						
Asbestos workers	9.27	.25	.10		.03	
OMIT:						
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.38	.55		.05	
ADD:						
Power equipment operators heavy and highway construction:						
Trench machines (24 in. wide and under)	6.51	.23	.55		.05	
WD No. AM-414—S6 F.R. 15943, Portage County, Ohio. Modification No. 3						
CHANGE:						
Glaziers	8.36	.25	.30		.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-415—88 F.R. 15948, Stark County, Ohio. Modification No. 3						
CHANGE:						
Carpenters	$7.075	$0.20	$0.20			
Millwrights and piledrivermen	7.61	.20	.20			
Marble setters	7.45	.20	.20			
Terrazzo workers	7.49	.20	.20			
Terrazzo workers' helpers	6.60	.20	.20			
Terrazzo workers' grinders	6.90	.20	.20			
Tile setters	7.30	.20	.20			
Tile setters' helpers	6.60	.20	.20			
OMIT:						
Power equipment operators heavy and highway construction:						
Trench machines (25 in. wide and under)	6.51	.23	.25		$0.05	
ADD:						
Power equipment operators heavy and highway construction:						
Trench machine (24 in. wide and under)	6.51	.23	.25		.05	
WD No. AM-3,555—88 F.R. 16778, Bexar County, Texas Modification No. 2.						
CHANGE:						
Building construction:						
Plumbers—pipefitters	6.77	.25	.20		.08	
WD No. AM-2508—88 F.R. 17183, statewide, Utah. Modification No. 2						
Add the wording "Modification No. 1" to modification for statewide, Utah, published in 36 F.R. 18989, September 24, 1971. Also change: That area in the State of Utah within 45 road miles of the county seats excluding Daggett County:						
Utah-1—LAB-1-2-3-e:						
Laborers:						
Group I:						
Boxman; carpenter tender; cement finisher helper; chat boxman; choker setter; clearing and grading; cleaning of equipment and parts in connection with concrete; concrete crew; dockhand and cleaning man; fence erector and installer (includes installation and erection of fences, guardrails, median rails, reference post, guide post, and right-of-way markers); flagman; form stripper; gardener helper; general laborer; grizzley operator (whether by power or hand); group pump operator; heater tender; helpers (all not herein separately classified); house movers; landscaping helper; laborers on wrecking and demolition; nurseryman helper; prewaterman; riprap man (hand placed); sloper, spreader and weighman; stake jumper; stripping and cleaning of steel and pans; tool dispatcher and checker (full time); unloading and packing of reinforcing steel rods and mesh	4.705	.15	.25		.04	
Group II:						
Air track helper; asphalt rakers and ironers; dumpman; gunite rel oundman; metal form setter (airport paving and highway); pipe wrapper; pot tender and joint maker; rollers; screen and cleanup man; signal and dumpman on concrete construction; tunnel and beltman	4.53	.15	.25		.04	
Group III:						
Barko vibratory roller and similar type, compacting machines; concrete cutting torch; hand and chain saw operator (bucking and falling timbers); high pressure water nozzleman; J tampers and similar type tampers; jackhammer and pavement breaker; mortar and grout mixer; multiplate installer; operators of pneumatic and electric tools and compressors and concrete saw; operators of power-type form cleaner and oiling machine; pipelayer; powderman helper; power-type buggies; pumperete operators; refinery tank and vessel cleaners; sand blasters; sandblaster pot tender; vibrator operator; work of all type using cutting torches and tools needed in wrecking	4.955	.15	.25		.04	
Group IV:						
Air track and core diamond drillers; drill mechanic (on jobsite); high scaler operating jackhammer or breaker; mailn vibrators and similar types 70 lbs.; multiple side boom driller; wagon driller	5.68	.15	.25		.04	
Group V:						
Gunite groundman; gunite nozzleman; gunite rodman; powderman	5.43	.15	.25		.04	
Tunnel and shaft work:						
Group I (Underground):						
Underground laborers	4.83	.15	.25		.04	
Group II (Underground):						
Brakeman; chucktender; dumpman; powderman helper; puddler	4.93	.15	.25		.04	
Group III (Underground):						
Nipper; screedman; vibrator; tapman	5.03	.15	.25		.04	
Group IV (Underground):						
Cutting machine operator; drill doctor; finisher; gunite gunman; miners; powder makeup man; spader and tuggers; steelman; timberman	5.13	.15	.25		.04	
Group V (Underground):						
Gunite groundman; gunite nozzleman; gunite rodman	5.43	.15	.25		.04	
Group VI (Underground):						
Shifter	5.53	.15	.25		.04	
That area in the State of Utah beyond 45 road miles of the county seats and all of Daggett County.						
Utah-2—LAB-1-2-3-g:						
Laborers:						
Group I:						
Boxman; carpenter tender; cement finisher helper; chat boxman; choker setter; clearing; and grading; cleaning of equipment and parts in connection with concrete; concrete crew; dockhand and cleaning man; fence erector and installer (includes installation and erection of fences, guardrails, median rails, reference post, guide post, and right-of-way markers); flagman; form stripper; gardener helper; general laborer; grizzley operator (whether by power or hand); group pump operator; heater tender; helpers (all not herein separately classified); house movers; landscaping helper; laborers on wrecking and demolition; nurseryman helper; prewaterman; riprap man (hand placed); sloper, spreader and weighman; stake jumper; stripping and cleaning of steel and pans; tool dispatcher and checker (full time); unloading and packing of reinforcing steel rods and mesh	5.455	.15	.25		.04	
Group II:						
Air track helper; asphalt rakers and ironers; dumpman; gunite reboundman; metal form setter (airport paving and highway); pipe wrapper; pot tender and joint maker; rollers; screen and cleanup man; signal and dumpman on concrete construction; tunnel and beltman	5.53	.15	.25		.04	
Group III:						
Barko vibratory roller and similar type, compacting machines; concrete cutting torch; hand and chain saw operator (bucking and falling timbers); high pressure water nozzleman; J tampers and similar type tampers; jackhammer and pavement breaker; mortar and grout mixer; multiplate installer; operators of pneumatic and electric tools and compressors and concrete saw; operators of power-type form cleaner and oiling machine; pipelayer; powderman helper; power-type buggies; pumperete operators; refinery tank and vessel cleaners; sand blasters; sandblaster pot tender; vibrator operator; work of all type using cutting torches and tools needed in wrecking	5.705	.15	.25		.04	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group IV: Air track and core diamond drillers; drill mechanic (on jobsite); high scaler operating jackhammer or breaker; main vibrators and similar types—70 lbs.; multiple side boom driller; wagon driller	$5.83	$0.15	$0.25	.....	$0.01	.....
Group V: Gunite groundman; gunite nozzleman; gunite rodman; powderman	6.18	.15	.25	.....	.01	.....
Tunnel and shaft work: Group I (Underground): Underground laborers	5.68	.15	.25	.....	.01	.....
Group II (Underground): Brakeman; chucktender; dumpman; powderman helper; puddler	5.68	.15	.25	.....	.01	.....
Group III (Underground): Nipper; scrcedman; vibrator; tapman	5.78	.15	.25	.....	.01	.....
Group IV (Underground): Cutting machine operator; drill doctor finisher; gunite gunman; miners; powder make-up man; spader and tuggers; steelman; timberman	5.88	.15	.25	.....	.01	.....
Group V (Underground): Gunite groundman; gunite nozzleman; gunite rodman	6.18	.15	.25	.....	.01	.....
Group VI (Underground): Shifter	6.33	.15	.25	.....	.01	.....

[FR Doc.71-16006 Filed 11-4-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-127]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 29, 1971.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-9...	July 25, 1963	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
F-12..	Sept. 14, 1967	Do.
F-17..	June 11, 1968	Do.
F-30..	Nov. 25, 1968	Do.
F-37..	Jan. 3, 1969	Do.
F-70..	May 11, 1970	Do.
F-97..	Mar. 30, 1971	Do.

Dated: October 28, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-16185 Filed 11-4-71;8:47 am]

[Federal Property Management Regs., Temporary Reg. G-11]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes a delegation of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 29, 1971.

4. *Revocation.* This revocation identifies a delegation which is no longer in force due to completion of the proceedings for which it was issued. Accordingly, the following FPMR temporary regulation is hereby revoked:

No.	Date	Subject
G-9..	Feb. 12, 1971	Delegation of Authority to Chairman, Atomic Energy Commission—Regulatory Proceeding.

Dated: October 28, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-16186 Filed 11-4-71;8:47 am]

[Corrected Wildlife Order 89]

FEDERAL CORRECTIONAL INSTITUTION, SANDSTONE, MINN.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice was given that the Federal Correctional Institution in Sandstone, Minn., consisting of approximately 2,405 acres of unimproved land, was transferred from the Department of Justice to the Department of the Interior for use in carrying out the national migratory bird management program, as authorized by the provisions of section 1 of Public Law 537. The notice should have stated that the property involved consisted of a portion of the Federal Correctional Institution in Sandstone, Minn., and the number of acres included in the transfer should have read 2,240 instead of 2,405.

Dated: October 29, 1971.

RICHARD W. AUSTIN,
Assistant Commissioner, Office of Real Property.

[FR Doc.71-16211 Filed 11-4-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

NOVEMBER 2, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 103435 Sub 215, United-Buckingham Freight Lines, now assigned hearing at Topeka, Kans., on January 10, 1972, in a hearing room to be designated later.

MC 69116 Sub 136, Spector Freight System, MC 117165 Sub 35, C. J. Davis, doing business as St. Louis Freight Lines, now assigned January 11, 1972, at Chicago, Ill., at a place to be designated later.

MC 105566, Subs 30, 31, and 32, San Tanksley Trucking, now assigned January 10, 1972, at Chicago, Ill., at a place to be designated later.

MC 107295 Sub 484, Pre-Fab Transit, now assigned January 14, 1972, at Chicago, Ill., at a place to be designated later.

MC 107299 Sub 8, Roberts Cartage Co., MC 123968 Sub 1, J & J Motor Service, now assigned January 17, 1972, at Chicago, Ill., at a place to be designated later.

MC 112801 Sub 117, Transport Service, now assigned January 13, 1972, at Chicago, Ill., at a place to be designated later.

MC 7860 Sub 7, M. G. Roux Trucking Corp., assigned January 28, 1972, at New York, N.Y., in Room E-2222, 26 Federal Plaza.

MC-F-11263, Paramount Moving & Storage Co., Inc.—Purchase—Charles D. Strang, Inc., assigned January 26, 1972, at New York, N.Y., in Room E-2222, 26 Federal Plaza.

MC 107295 Sub 332, Pre-Fab Transit Co., assigned January 27, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 133240 Sub 16, West End Trucking Co., Inc., assigned January 27, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 134542 Sub 4, Quick-Livick, Inc., assigned January 27, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

I&S M 22930, Small Shipment Rate Revision—Eastern Central Territory, heard October 26 through October 29, continued to November 3, 1971, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 31389 Sub 134, McLean Trucking Co., assigned continued hearing on January 17, 1972, at Memphis, Tenn., in a hearing room to be later designated.

MC 109397 Sub 252, Tri-State Transit Co., now assigned November 10, 1971, at Washington, D.C., canceled transferred to modified procedure.

MC 121597 Sub 2, Chickasaw Motor Lines, Inc., now assigned hearing January 24, 1972, at Nashville, Tenn., in a hearing room to be designated later.

MC 134788 Sub 2, North Penn Bus Lines, Inc., assigned hearing November 8, 1971, at Philadelphia, is postponed indefinitely.

MC 27356 Sub 4, M–F Express, now assigned January 10, 1972, at Jackson, Miss., hearing room to be designated later.

MC 134886 Sub 2, U & Me Transfer, Inc., now assigned January 17, 1972, at Miami, Fla., in a hearing room to be later designated.

MC 135413, Henry's Transfer, Inc., now assigned January 10, 1972, at Miami, Fla., in a hearing room to be later designated.

MC 25869 Sub 106, Nolte Bros. Truck Line, now assigned January 24, 1972, at Denver, Colo., hearing room to be designated later.

MC 74321 Sub 50, B. F. Walker, now assigned January 21, 1972, at Denver, Colo., in a hearing room to be designated later.

MC 113651 Sub 140, Indiana Refrigerated Lines, now assigned January 10, 1972, at Omaha, Nebr., hearing room to be designated later.

MC 113678 Sub 432, Curtis, now assigned January 17, 1972, at Denver, Colo., hearing room to be designated later.

MC 134063 Sub 3, Frank R. Chullino, doing business as Midwest Transportation Co. now assigned January 11, 1972, at Omaha, Nebr., hearing room to be designated later.

MC 134112, Allen & Spittler, now assigned January 13, 1972, at Omaha, Nebr., hearing room to be designated later.

MC 134153 Sub 9, Great Overland, now assigned January 26, 1972, at Denver, Colo., hearing room to be designated later.

MC 113855 Sub 233, International Transport, now assigned January 20, 1972, at Denver, Colo., hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–16215 Filed 11–4–71;8:49 am]

[Notice 389]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 1, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 44639 (Sub-No. 44 TA), filed October 21, 1971. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in manufacture of wearing apparel*, between Crewe, Va., on the one hand, and, on the other, Lynchburg, Va. for 180 days. NOTE: Applicant states it will tack at Crewe, Va., with existing authority. Supporting shipper: Garlin, Inc., 1300 Main Street, Lynchburg, Va. 24504. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 100449 (Sub-No. 30 TA), filed October 21, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcholic beverages*, from Ottumwa, Iowa, to points in Minnesota, Nebraska, North Dakota, South Dakota, and Kansas City, and St. Joseph, Mo., for 150 days. Supporting shipper: Dad's-Clicquot Bottling Co., 4 Industrial Park, Ottumwa, IA 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109478 (Sub-No. 121 TA), filed October 19, 1971. Applicant: WORSTER MOTOR LINES, INC., Post Office Box 110, Gay Road, North East, PA 16428. Applicant's representative: Joseph F. MacKatell, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Dakota City and West Point, Nebr., Denison, Fort Dodge, Le Mars, and Mason City, Iowa; Luverne, Minn., and Emporia, Kans., to ports of entry on the international boundary line between the United States and Canada located in Michigan and New York; restricted to traffic originating at the plantsites of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins and restricted to shipments moving in foreign commerce, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 110098 (Sub-No. 119 TA), filed October 21, 1971. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, 1400 Ackerman Road, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (Except hides and commodities in bulk), from the plantsite and storage facility of the Rath Packing Co. at Waterloo and Columbus Junction, Iowa, to points in Oklahoma, for 180 days. Supporting shipper: W. D. Day, General Transportation Manager, Rath Packing Co., Post Office Box 330, Waterloo, IA 50704. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 110563 (Sub-No. 74 TA), filed October 21, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Post Office Box 747, Ohio Building, Sidney, OH 45365. Applicant's representative: John S. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greeley, Colo., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maine, Maryland, Massachusetts, and New Hampshire, for 180 days. Supporting shipper: Monfort Packing Co., Box 1407, Greeley, CO 80631. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 112520 (Sub-No. 249 TA), filed October 21, 1971. Applicant: MCKENZIE TANK LINES, INC., New

Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and feed supplements*, in bulk, from Donalsonville, Ga., to points in Alabama, on and south of Interstate Highway 20 and points in Bradford, Duval, Gadsden, Jackson, and Nassau Counties, Fla., for 180 days. Supporting shipper: Cargill, Inc., Donalsonville, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 113843 (Sub-No. 176 TA), filed October 21, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh pork products*, from Utica, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Utica Packing Co., 7655 Chapoton Street, Post Office Box 182, Utica, MI 48087. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building, Room 2211–B, Government Center, Boston, MA 02203.

No. MC 119777 (Sub-No. 227 TA), filed October 20, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ronald E. Butler, Post Office Box 477, Madisonville, KY 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry, egg, and livestock supplies, and equipment*, from Athens, Ga., to points in the United States (except Alaska and Hawaii) for 180 days. Supporting shipper: Michael D. Geyer, Traffic Manager, Chore-Time Equipment, Inc., Milford, Ind. 46542. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 123075 (Sub-No. 22 TA), filed October 20, 1971. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass, Post Office Box 1123, Greeley, CO 80631. Applicant's representative: Harvey D. Shupe (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite of Hardy Salt Co. located at or near Lakepoint, Utah, to points in Colorado, Kansas, those parts of Nebraska and South Dakota on the west of U.S. Highway 83, and Wyoming, with no transportation for compensation on return except as otherwise authorized, under a continuing contract with Carey Salt Co. of Hutchinson, Kans., for 180 days. Supporting shipper: The Carey Salt Co., Post Office Box 1728, Hutchinson, KS 67501. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124151 (Sub-No. 3 TA), filed October 21, 1971. Applicant: VANGUARD TRANSPORTATION INCORPORATED, Post Office Box 157, Lafayette Street, Carteret, NJ 07008. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorocarbons*, in bulk, in shipper owned tank vehicles, from Hillside, N.J., to Philadelphia, Pa., for 180 days. Supporting shipper: Kaiser Chemicals, Division of Kaiser Aluminum & Chemical Corp., 300 Lakeside Drive, Oakland, CA 94604. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 127834 (Sub-No. 68 TA), filed October 21, 1971. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Fred F. Bradley, County Courthouse, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal racks and shelving*, from Nashville and Springfield, Tenn., to points in the United States (except points in Alaska, Arizona, California, Colorado, Idaho, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), for 180 days. Supporting shipper: Unarco Industries, Inc., Springfield, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 128215 (Sub-No. 8 TA), filed October 20, 1971. Applicant: MARTIN TRAILER TOTERS, INC., 4038 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: Donald B. Morrison, Suite 717, Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger vehicles, in initial movements, and buildings, in sections, in initial movements, from points in Warren County, Miss., to points in Louisiana, Texas, Arkansas, Tennessee, and Alabama, for 180 days. Supporting shipper: Magnolia Homes Manufacturing Corp., Post Office Box 230, Vicksburg, MS 39180, M. Cappaert, General Manager. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T–4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 136095 TA, filed October 20, 1971. Applicant: ROBERT L. GILBERT AND LOU E. GILBERT, doing business as GILBERT EXPRESS LINE, 1701 South Federal Highway, Stuart, FL 33494. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* having a density of less than 4 pounds per cubic foot, in boxes, between Kent, Ohio, and points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, Maryland, and Washington, D.C., for 180 days. Supporting shipper: Smithers Oasis, Division of the Smithers Co., 919 Marvin Avenue, Kent, OH 44240. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136097 TA, filed October 20, 1971. Applicant: FRANCIS N. WOODMAN, doing business as GLOWOOD CO., North Road, Yarmouth, Maine 04096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry*, between Yarmouth, Maine, and New Bedford, Mass., for 180 days. Supporting shipper: Coyne Industrial Laundries, Inc., 140 Cortland Avenue, Syracuse, NY 13204. Send protests to: District Supervisor Donald G. Weller, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 136098 TA, filed October 21, 1971. Applicant: PAUL E. LOBDELL, Box 386, Lena, IL. Applicant's representative: Routman and Lawley, 800 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peparcd animal and poultry feed and prepared animal and poultry feed health ingredients*, in mixed shipments, from Lena, Ill., to points in Grant, Green, Iowa, and Lafayette Counties, Wis.; and (2) *animal and poultry feed ingredients*, from points in Grant, Green, Iowa, and Lafayette Counties, Wis., to Lena, Ill., for 180 days. Supporting shipper: Ray Carter, Traffic Manager, Soybean Division, Ralston Purina Co., St. Louis, Mo. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

MOTOR CARRIER OF PASSENGERS

No. MC 135985 (Sub-No. 2 TA), filed October 19, 1971. Applicant: HARRY F. FARR, Rural Route 8, Dunnville, ON, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, from port of entry on the United States-Canada international boundary line at Niagara Falls, Ontario, Niagara Falls, N.Y., to Buffalo, N.Y., and return. Restriction: Transportation authorized herein is restricted to persons moving in round-trip movements from Dunnville, Ontario, Canada, to Buffalo, N.Y., and return to Dunnville, Ontario, Canada, for 150 days. Supported by: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor George M. Parker, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16213 Filed 11-4-71;8:49 am]

[Notice 776]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73081. By order of October 29, 1971, the Motor Carrier Board approved the transfer to Coyman Brothers, Inc., Hackensack, N.J., of that portion of the operating rights in certificate No. MC-133841 issued March 18, 1970, to Dan Barclay, Inc., Lincoln Park., N.J., authorizing the transportation of machinery between Scranton, Pa., and points in New York. Robert B. Pepper, 174 Brower Avenue, Edison, N.J. 08817.

No. MC-FC-73119. By order of October 29, 1971, Motor Carrier Board approved the transfer to Valer Transportation Co., Inc., 18615 Dix Road, Melvindale, MI 48122, of the permits in Nos. MC-125608, MC-125608 (Sub-No. 1), MC-125608 (Sub-No. 3), MC-125608 (Sub-No. 4), MC-125608 (Sub-No. 7), MC-125608 (Sub-No. 8) issued August 25, 1964, June 30, 1966, September 7, 1965, November 17, 1965, August 2, 1968 and November 27, 1968 respectively, to Valer Lupu, doing business as Valer Transportation Co., Melvindale, Mich., authorizing the transportation of malt beverages, from and to specified points in Missouri, Michigan, Indiana, and Ohio. Ronald J. Mastej, 900 Guardian Building., Detroit, Mich. 48226.

No. MC-FC-73244. By order of October 29, 1971, the Motor Carrier Board approved the transfer to Film Transportation Co., a corporation, Boston, Mass., of that portion of the operating rights in certificate No. MC-125945 issued July 16, 1964, to Old Colony Film Transfer Corp., Boston, Mass., authorizing the transportation of film and articles associated with the exhibition of motion pictures as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, between Boston, Mass., and New Haven, Conn., on the one hand, and, on the other, points in New Hampshire on U.S. Highway 202 south of East Jaffrey, N.H., and those in New Hampshire on and within 15 miles of U.S. Highway 3 south of Laconia, N.H., Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, attorney for applicants.

No. MC-FC-73252. By order of October 29, 1971, the Motor Carrier Board approved the transfer to Clay Transport, Inc., Pittsburgh, Pa., of the operating rights in certificates Nos. MC-125079, MC-125079 (Sub-No. 1), and MC-125079 (Sub-No. 2), issued February 28, 1964, January 25, 1965, and March 16, 1967, respectively, to Arthur A. Freda, Pittsburgh, Pa., authorizing the transportation of brick, from Bessemer, Pa., to points in West Virginia on and south of U.S. Highway 50, from Charleston, W. Va., and Somerset, Va., to points in Allegheny, Westmoreland, Butler, Beaver, and Washington Counties, Pa., and from Rocky Ridge (Thurmont), Md., to points in Allegheny, Beaver, Butler, Armstrong, and Westmoreland Counties, Pa.; brick, face and common, from Baltimore, Md., to the destination points immediately specified above; tile, from West Darlington, Pa., to points in West Virginia on and south of U.S. Highway 50; and stone, from McDermott, Ohio, to Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh. Brenda P. Murray, 530 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-73260. By order of October 29, 1971, the Motor Carrier Board approved the transfer to Pittsburgh-Greensburg Express, Inc., Greensburg, Pa., of the certificate of registration in No. MC-121192 (Sub-No. 1) issued February 3, 1965, to Mitchell T. Curley, doing business as Pittsburgh-Greensburg Motor Express, Greensburg, Pa. John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-73263. By order of October 29, 1971, the Motor Carrier Board approved the transfer to Iowa-Missouri Express, Inc., Shambaugh, Iowa, of certificates Nos. MC-22509 and MC-22509 (Sub-No. 1), issued September 21, 1966, and April 28, 1966, respectively, to Warren Russell, Shambaugh, Iowa, authorizing the transportation of: Livestock, feed, seed, scrap metal and junk, farm implements, brick, tile, hides, household goods, emigrant movables, general commodities, with the usual exceptions, salt, tankage, agricultural implements, and building materials, from, to, or between specified points in Iowa, Missouri, and Nebraska. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16214 Filed 11-4-71;8:49 am]

[Rev. S.O. 994; ICC Order 57; Amdt. 5]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 57 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees), and good cause appearing therefor:

It is ordered, That:

ICC Order No. 57 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 29, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 71-16211 Filed 11-4-71;8:49 am]

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FRIDAY, NOVEMBER 5, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 214

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

HORSE PROTECTION

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 11]

HORSE PROTECTION

Notice of Proposed Rule Making

On July 1, 1971, there was published in the FEDERAL REGISTER (36 F.R. 12586) a notice with respect to the proposed issuance of regulations relating to the protection of certain show horses against the practice of soring, to appear as new Part 11 in Chapter I, Subchapter A, Title 9, Code of Federal Regulations. Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed regulations for a period of 60 days following publication of said notice. After due consideration of all relevant material submitted in connection with said notice and pursuant to the Act of December 9, 1970 (Public Law 91–540; 84 Stat. 1404; 15 U.S.C. 1821–1831), notice is hereby given in accordance with the administrative provisions of 5 U.S.C. 553 that it is now proposed to issue regulations relating to the protection of certain show horses against the practice of soring, to read as follows:

PART 11—HORSE PROTECTION REGULATIONS

GENERAL

EXHIBITORS

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

TRANSPORTATION

ENFORCEMENT

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section and the singular form shall also import the plural and the masculine form shall also import the feminine. Words of art undefined in the following paragraphs shall take the meaning attributed to them by trade usage.

(a) "Act" means the Act of December 9, 1970 (Public Law 91–540; 84 Stat. 1404; 15 U.S.C. 1821–1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Research Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(d) "Division" means the Animal Health Division, Agricultural Research Service, of the Department.

(e) "Director" means the Director of the Division or any other officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinarian in Charge" means the Division veterinarian, who is assigned by the Director to supervise and perform the official work of the Division under the Act in a specified State.[1]

(g) "Veterinarian" means a graduate from a College of Veterinary Medicine, who is licensed in the State in which he practices and has been accredited by the U.S. Department of Agriculture under Part 160 of this title.

(h) "Division Representative" means any inspector employed by the Division who is designated by the Veterinarian in Charge, or any officer or employee of any State agency who is authorized by the Director to perform any function under the Act.

(i) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(j) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(k) "Horse" means any member of the species Equus caballus.

(l) Except in §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition.

(m) Except in §§ 11.22 and 11.23, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.22 and 11.23, "exhibition" means a public display of any horse or horses, singly or in groups, but not in competition.

(n) "Boot" means any device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

(o) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(p) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sored. This may include, but is not limited to, visual examination, touching, and use of any diagnostic device or instrument, and may include the requirement of the removal of any shoes, pads, and other equipment from the horse.

(q) "Sponsoring organization" means the association or other person under whose auspices a horse show or exhibition is conducted.

(r) "Show manager" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(s) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(t) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, bruises, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including, but not limited to, chains or boots; which may reasonably be expected (*a*) to result in physical pain to the horse when walking, trotting, or otherwise moving, (*b*) to cause extreme physical distress to the horse or, (*c*) to cause inflammation. However, a horse given therapeutic treatment by a veterinarian, to relieve pain or lameness or to restore a lame or disabled horse's normal gait, shall not thereby be considered sored.

(2) A horse shall be considered sored if the length of the toe measuring from the ground to the hairline does not exceed the height of the heel by more than one inch, and such condition was caused after December 9, 1970, to affect the gait of the horse.

(3) Any blisters, burns, cuts, bruises, lacerations, or other indicators of the use of any cruel or inhumane method or device with respect to any horse, such as but not limited to, raised granulated tissue which will not produce hair, shall constitute evidence that the horse is sored.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose

[1] Information as to the name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

of showing or exhibiting, in any horse show or exhibition, any horse which is sored.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) No boots other than those permitted under § 11.4 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, greases, dyes, stains or polishes, shall not be used on the extremities, above the hoof but below the fetlock of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Division representative, upon his request, a certification from a veterinarian that this substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Entries.

Each horse owner or other person who intends to show or exhibit any horse at a horse show or exhibition shall complete and submit to the show manager an entry form, approved or furnished by the Department, as prescribed in § 11.26, prior to the calling of the class.

§ 11.4 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be:

(a) Those boots known to the industry as "fixed boots." These include types such as, but not limited to, heel boots, trotting boots, skid or sliding boots, splint boots, quarter boots, and shoeguard boots.

(b) Hinged Quarter Boots which meet the following requirements: The lower portion of the boot shall be firmly attached by means of a strap and buckle or similar humane device to the foot below the hairline. The upper half of the boot shall be fastened to the lower half in such a manner that there shall be no more than 1-inch separation between the two halves and that such connection does not cause pain or discomfort. The upper half of the boot shall be constructed in such a way that the inside, in contact with the skin, shall be soft, smooth, and free of projections of any nature. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a fastening device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress and inflammation of any part of the horse.

(c) Rubber bell boots.

(d) Leather bell boots provided that:

(1) The inside must be smooth and free of all swellings, projections, or sharp edges;

(2) The lining must be of soft leather, felt or similar material;

(3) The boots shall not weigh in excess of 16 ounces;

(4) The bell portion, exclusive of the soft roll on the top, shall be a minimum of 2½ inches in height.

§ 11.5 Inspection of horses.

For the effective enforcement of the Act:

(a) Each horse owner and other person having custody of any horses shall allow any Division representative to inspect the horses in his custody at such times and places as the Division representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Division representative, the show manager or his representative and/or any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Division representative, in writing, notifies the owner of any horse or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian makes the horse available for inspection by a Division representative at a time and place agreeable to the Division representative.

(d) The person having custody of the horses shall render such assistance as the inspector may reasonably request for purposes of such examinations.

§ 11.6 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Division representative, the show manager, and any veterinarian designated under § 11.20, to all areas of barns, compounds, and other portions of the show grounds at any horse show or exhibition or similar areas adjacent to the show grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, manager, or veterinarian, for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and managers.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sored, unless:

(a) The sponsoring organization designates a veterinarian to examine all horses entered in the horse show or exhibition to determine whether they are sored and instructs him that his services are to assure compliance with the Act;

(b) The veterinarian examines the horses entered in any class at a horse show or shown at any exhibition within 4 hours prior to the calling of the class or the exhibiting of the horse, in whatever way is necessary to determine whether any such horse is sored, and he observes such horses while they are performing at the horse show or exhibition and inspects them at such other times as is necessary for determining whether any horse shown or exhibited at the horse show or exhibition was sored.

(c) The veterinarian reports his findings of apparent soring to the show judge and a representative of show management, in writing, before the class is tied or before the conclusion of the exhibition. A copy of his findings is also sent to the Veterinarian in Charge for the State in which the horse show or exhibit is held, within 72 hours following the conclusion of the horse show or exhibition.

(d) The show manager immediately causes to be removed from participation in any class at the horse show or from the exhibition all horses designated by the veterinarian as being sored, or otherwise found by the show manager to be sored.

§ 11.21 Notice of horse show or exhibition.

(a) The sponsoring organization for any horse show or exhibition shall, by use of a form furnished by the Department, give notice to the Veterinarian in Charge for the State where the horse show or exhibition is to be held, no later than 30 days prior to the beginning of the show or exhibition, concerning its intent to conduct such show or exhibition. This form, obtained from the Veterinarian in Charge in the State where the horse show or exhibition is to be held, shall include the following information:

(1) Dates, times, and place of the horse show or exhibition.

(2) Sponsoring organization; and name, address, and telephone number of any person designated by such organization to maintain records as required by § 11.22 on behalf of the organization.

(3) Show manager's name, address, and telephone number.

(4) Statement that the sponsoring organization and the show manager will comply with the Act and the rules and regulations thereunder and will direct all employees and agents of the sponsoring organization to comply with such provisions.

(5) Name, address, and telephone number of the veterinarian, if any, employed to make inspections under § 11.20.

(6) Name and address of show judges and the breeds or classes which they are judging, who have been selected to officiate at the horse show or exhibition.

(b) The notification required by paragraph (a) of this section shall be signed by an officer of the sponsoring organization and by the show manager.

(c) A copy of the official program shall be attached to the notification required by paragraph (a) of this section at time of submission of the notice, or, if not available at that time, mailed to the Veterinarian in Charge as quickly as available.

§ 11.22 Records required; and disposition thereof.

(a) Copies of all entry forms filed by the exhibitors as required by § 11.3 shall be kept by the sponsoring organization of any horse show or exhibition, or by the designee of such organization, for a period of 1 year after the closing date of the horse show or exhibition, unless the Director, in writing, in specific cases authorizes their disposition within such period, or unless furnished to the Department under § 11.25. Further, when the Director notifies the sponsoring organization, or its designee, in writing, that specific records are needed for completion of an investigation or proceeding under the Act, such sponsoring organization, or designee, shall keep such records until their disposition is authorized by the Director.

§ 11.23 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof, shall permit any Division representative to examine all records required to be kept by the regulations in this part, and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records, shall be made available to the Division representative.

§ 11.24 Access to premises for inspection of horses.

The sponsoring organization and the show manager of any horse show or exhibition shall, without fee, charge, assessment, or other compensation, provide unlimited access to the Division representative to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control on the request and after identification of such representative for purposes of inspection of horses or records as provided in this part.

§ 11.25 Reporting by show manager.

The show manager of any horse show or exhibition shall send by mail within 72 hours following the conclusion of the horse show or exhibition, to the Veterinarian in Charge for the State where the horse show or exhibition was held, the entry form required by § 11.3 of each horse that was deemed by the veterinarian designated under § 11.20, or by the show manager to be sored, or was found by the show manager to have been handled otherwise in violation of § 11.2; the names and addresses of the owners, riders, and trainers of all such horses, and the classes, if any, in which such horses were entered.

§ 11.26 Entry forms.

(a) The show manager shall require each exhibitor at any horse show or exhibition to execute an entry form approved or furnished by the Department, and obtained from the Veterinarian in Charge in the State where the horse show or exhibition is to be held, showing the following information:

(1) Horse's name; and registration number, if any.

(2) Horse's breed, age, sex, color, and height.

(3) Address of home barn of the horse; and location from which the horse was transported to the horse show or exhibition.

(4) Exhibitor's name and address.

(5) Class(es) entered, if any.

(6) Entry number.

(7) Stall and barn number, if any, or other place where the horse is kept while at the horse show or exhibition.

(8) Name, place, and date of horse show or exhibition.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of any such horse as provided in § 11.5 and shall furnish to any Division representative upon his request and in the manner requested the following information:

(1) Name and address of horse owner and of shipper, if different than the owner or trainer;

(2) Name and address of horse trainer;

(3) Name and address of carrier transporting the horse, and of driver of the means of conveyance used;

(4) Origin of the shipment and date thereof;

(5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a violation is subject to a civil penalty up to $1,000 or criminal penalties up to $2,000 and 6 months' imprisonment for each such violation, as prescribed in section 6 of the Act.

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry have provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soring and enforcement of the Act. Consideration has been given to the views expressed and the foregoing specified regulations are proposed on the basis of the information presently available in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act.

The Act is applicable to all breeds of horses and accordingly the regulations proposed herein would apply to all breeds.

A great deal of information has been offered regarding the use and purpose of boots. There has been considerable debate as to what constitutes a protective device. It appears that those used as a protective boot have been designed to protect a specific area and are, by virtue of this design, fixed in a specific position. Boots meeting these criteria consequently would be permitted under the proposed regulations. Hinged boots, half fixed and half semifixed in nature, appear to be protective devices and would be permitted if there are no weights in the upper half of the boot and the boots meet other requirements. The rubber bell boot, as is presently designed and used, does not seem to cause pain or extreme physical distress. The leather bell boot has received the most comment and consideration. Those containing protrusions such as the knocker boot and roll boot appear to be designed to concentrate the force and the weight on the most sensitive area of the foot and are classified under the proposed regulations as soring devices. The smooth bell boot, flared enough to fit over the coronary band, riding primarily on the hoof wall when the foot is in contact with the ground would be, within certain weight limitation, acceptable under the proposed regulations. If the proposed regulations are adopted, there would be continuous surveillance as to how these various boots are used, with appropriate action to follow if abuses are observed.

Horse show managers have expressed concern since the Act specifies, "It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse or disqualify horses for various reasons and that this requirement of the law does not impose an unusual responsibility. Since it has frequently been said that the "judge" is a qualified person to detect soring and is always present at every horse show, legal methods to transfer responsibility and liability to the judge and be within the scope of the Act were sought. This authority is not granted in the Act. However, it has been pointed out that the sponsoring organization could employ the judge or other qualified person to advise the organization so as to enable it to comply with the Act. No changes were made in the proposed regulations in this respect since the originally proposed regulations would not prohibit such an arrangement.

Statements have been offered relative to horse inspection and methods of accomplishing it. It has been stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to the horse is permitted to handle the feet and legs of a horse. On the contrary, it has been contended that permission to inspect in any manner that the inspector desires is inherent in the Act, and that to authorize inspection and then limit what can be done in the way of inspectional procedures would be self-defeating action. The proposed regulations provide for inspection by any means reasonably deemed necessary by the inspector.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

NOTE: The recordkeeping and/or reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C. this 29th day of October 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

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